LAW NOTES

FALL 2018

UNIVERSITY OF KENTUCKY COLLEGE OF LAW

Building on a Strong Foundation

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ABOUT THIS MAGAZINE

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MESSAGE FROM THE DEAN

As I watch the amazing physical transformation of our building project move from demolition to construction, I am reminded that we are not only literally building on the strong foundation of our long-serving law building, but we are privileged to provide our students with the strong foundation that is a UK Law education.

The broad yet vigorous legal curriculum that is skillfully taught by our world-class faculty provides academic resources and hands-on experiences that help our graduates thrive. We learn in our feature stories in this edition of UK Law Notes just how vast these resources and experiences are.

We read about an alumnus who has spent decades practicing adoption and mediation law, as well as a father daughter pair of alumni - one of whom served as an Assistant U.S. Attorney for the Eastern District of Kentucky while the other as a senior director at a state university. A brother and sister who are UK Law graduates pursued different careers - one practicing business litigation and the other pursuing healthcare law. In yet another family dynamic, two alumni find themselves to be fathers-in-law to each other's child. Their professional successes have been in different disciplines of the law, with one making a career in corporate law while the other focused on real estate and business law. We feature a young alumna who is utilizing her skills and knowledge to work in general litigation, higher education, transportation and employment law, all while assisting the Bosnian residents who reside in her community.

We see the variety and breadth of our alumni career choices, and we take great pride in the impact UK Law has had on the alumni forging these very important and successful career paths.

As you read through this edition of UK Law Notes, you will see our students successfully participate in regional and national mock trial competitions, host Kentucky Law Journal and Kentucky Journal of Equine, Agricultural and Mineral Law symposiums, and receive distinguished awards. Recent graduate Grace Greenwell was named Distinguished Law Student for the Sixth Circuit, while Christopher Lewis received the Torch Bearer Award for exemplifying the passion and courage exhibited by Lyman T. Johnson as he led racial desegregation efforts at UK more than 60 years ago.

In addition to rigorous classroom work, students gain hands-on experience engaging in pro bono endeavors including our annual Volunteer Income Tax Clinic and important undertakings within the communities we serve such as Julie Greentree's efforts at Legal Aid of the Bluegrass. Furthermore, the various lecture series events we provide offer students the opportunity to meet with and listen to prominent judiciary members representing various courts. Over the past year we hosted the Honorable John Roberts, Chief Justice of the Supreme Court of the United States, and Honorable Neil M. Gorsuch, Associate Justice – both speaking with UK Law students, judges, lawyers and clerks from across Kentucky as part of the Heyburn Initiative.

We highlight a future alumna, Keyana Boka, and learn about her perspective regarding the many ways UK Law is helping her to build a strong foundation as she embarks upon her third year of law school. Her experiences both inside and outside of the classroom are already proving successful in preparing her to meet her academic and career goals.

Our excellent faculty members are experts in their fields who eagerly engage in research projects, complete scholarly works, deliver engaging and insightful classes, and have an open-door policy encouraging students to learn and grow.

Professor Richard Ausness has been selected as UK Law's University Research Professor for 2018-19. His current research agenda is focused on opioid litigation and the opioid addiction epidemic in general. Professor Jennifer Bird-Pollan, a Fulbright Scholar, received the 2017 Duncan Teaching Award, and was recently elected Chair of University Senate Council. Additionally, we read about Professor Richard Underwood's back-to-back independent publisher awards for his novels.

The UK Law Alumni Association is another testament to the strong foundation that is UK Law. This growing and impactful association is comprised of active professionals who not only give back to their alma mater, but also give back to the profession and the communities they serve. The Association inducted three new members into the Hall of Fame this year for their extraordinary professional success, high degree of character and integrity, and profound positive impact on the College of Law: Barbara B. Edelman, Hon. Thomas B. Russell and Sheryl G. Snyder.

As we continue to watch the transformation of the law building into a state-of-the-art facility that will help us provide a 21st century legal education, let's build on the strong foundation that is UK Law, and know that we are all active participants in preparing students for a promising future.

We are committed to providing opportunities for our students to become practice ready upon graduation. The rigorous curriculum, excellent faculty, eager students and supportive alumni are at the heart of the foundation that is UK Law. As you read through this issue of UK Law Notes, I hope you think of the strong foundation we offer through academic courses, hands-on exercises, and community engagement, as well as the skillful professors who help students learn and grow to new heights, wherever their interests, aspirations and skillset take them.

All rise!

Best,

David A. Brennen
Dean and Professor of Law

STUDENTS

Building on a Strong Foundation

01 Black Law Students Association (BLSA) hosts "Law Student for a Day," an event that provides prospective students with a well-rounded overview of law school.

02 Students in the UK Law Legal Clinic provide Thanksgiving dinners - turkeys and all the fixings - to clients and families.

03 Students mingle with law professionals representing a broad scope of practice during the annual Attorney and Student Reception.

04 UK Law students, faculty and staff attend the second annual UK Feast on Equality dinner at Carrick House. The event, hosted by the Office of LGBTQ Resources in partnership with Feast on Equility, raised funds that go directly into increasing essential outreach and support across the campus, city and Commonwealth during the year.

05 UK Law students continue to utilize their legal education to teach real-life lessons in law and government to high school students through StreetLaw.

06 Thirty teams battled it out at HopCat, UK Law's 3rd Annual Trivia Night. Students, faculty and staff raised funds to benefit the UK Law Legal Clinic.

07 UK Students from College of Law, College of Medicine, Physical Therapy, Communications and Patterson School of Diplomacy participate in the 2018 Global Health Case Competition.

08 Members of the Christian Legal Society volunteer with Glean Kentucky, an organization that gathers and redistributes excess fresh fruits and vegetables to Kentucky's hungry. They gleaned pumpkins that were sent to food banks and apples that were used in a backpack food program at local schools.

09 The UK Law Wellness Initiative held their second anual Race Judicata 5K at Wellington Park to promote a healthier law school community among students, faculty and staff.

UK Law Trial Team Finishes in Final Four of National Competition

BY LINDSEY PIERCY

L to R: Maddie Moss, Matt Boggs, Caleb Taylor, Professor Allison Connelly and Vince Taormina

Two students on the University of Kentucky College of Law Trial Team finished as one of the top four teams in the nation at the National Trial Competition (NTC) in Austin, Texas.

The NTC was established in 1975 to encourage and strengthen students' advocacy skills through quality competition and valuable interaction with members of the bench and bar. The program is co-sponsored by the American College of Trial Lawyers and is designed to expose law students to the nature of trial practice and to serve as a supplement to their education.

The Texas Young Lawyers Association (TYLA) presents the annual competition, which attracts teams from more than 140 law schools and involves more than 1,000 law students each year. The goal is to provide a meaningful contribution to the development of future trial lawyers. The competition is the most prestigious law school trial competition in the nation.

Third-year student Caleb Taylor and second-year student Matt Boggs, along with teammates Maddie Moss and Vince Taormina, competed against 22 teams at regionals held in Knoxville, Tennessee. Taylor and Boggs clenched first place, then the team received a new trial problem. They had less than five weeks to prepare both sides of the case. The top 30 teams competed at nationals where Taylor and Boggs continued to excel.

The students practiced four times a week, including Saturdays and Sundays, and even prepared over Spring Break. Their fellow teammates, Moss and Taormina, were their opponents at every practice and helped them reach the high level of advocacy and knowledge of evidence law that led them to success. Professor Allison Connelly coached the team.

"The work and commitment of many great student advocates brought us to this point. Indeed, all our student advocates have sacrificed a great deal to put our law school in the national spotlight, and they've succeeded," Connelly said. "Not only did Caleb and Matt excel on a national stage, they epitomize the excellence of the college's trial program, a program built on student dedication, sacrifice and persistence. However, I'm even more proud of the way the team of Caleb, Matt, Maddie and Vince represented our law school. They won and lost with great integrity, professionalism and honor. This foursome represents the ideal every lawyer strives to achieve."

In a federal courtroom, in front of judges and attorneys, compelling arguments would secure Taylor and Boggs a spot in the final four. This is only the second time in 22 years a UK team has reached this level of success in the competition. In addition, Taylor and Boggs will each receive $750 from the Kansas City, Missouri, law firm of Polsinelli PC.

"I cannot imagine a better way to wrap up my academic career. Mock Trial has always been a huge part of my education. I have a great coach and teammate to thank for our exceptional performance," Taylor said.

"Caleb and I had a great time competing among some of the best student advocates in the country. We were proud to represent the university and the College of Law on a national stage, and to see all the hours of hard work pay off. We had incredible support behind us in our other teammates, Madeline Moss and Vince Taormina, and our unparalleled coach, Professor Connelly," Boggs said.

Since 1998, UK Law's trial teams have achieved a national reputation. In 22 years, they have won the American College regional competition 11 times and have been named five times as one of the top 16 trial teams in the country by the National Institute of Trial Advocacy.

Student Competitions 2017-18 Academic Year

Trial Advocacy Board (TAB)
- 2017 Instrastate Trial Competition
- 2018 National Trial Competition Regionals
- 2018 National Trial Competition Finals

Moot Court Board
- National Competition
- August A. Rendigs Moot Court Competition

2017 National Sports Law Negotiation Competition (San Diego)

Willem C. Vis International Commercial Arbitration Moot (Vienna, Austria)

Employee Benefits Moot Court Competition

2018 Thurgood Marshall Mock Trial Competition (St. Louis)

Bankruptcy Moot Court Competition

National Tax Moot Court Competition

Southeastern Tax Challenge

Intellectual Property Scholarship Competition (ISHTIP) (Rome, Italy)

UK BLSA Competes in Thurgood Marshall Mock Trial Competition

L to R: Christian Rice, Jalyn Hewitt, Cailyn Butler and Sabrina Castille

Christian Rice, Jalyn Hewitt, Cailyn Butler, and Sabrina Castille all 2nd year UK Law students and members of the Black Law Students Association (BLSA), competed in the Thurgood Marshall Mock Trial Competition in St. Louis, Missouri. The competition was in conjunction with the 2018 Midwest Black Law Students Association Regional Convention.

The Thurgood Marshall Mock Trial Competition is one of the cornerstones of the National Black Law Students Association (NBLSA) programming, and provides students with excellent training in trial advocacy. Participants have the opportunity to develop strong courtroom skills and argue issues that are at the forefront of debate in the legal profession.

"The competition was a great experience," said Jalyn Hewitt. "It was an honor to be a part of the first BLSA mock trial team to go to the competition in more than five years. It was a lot of hard work, but I wouldn't trade my experience for anything. I would definitely love to participate again next year."

The UK Law students worked hard in preparation for the competition. A special thanks goes to their volunteer coaches from the legal community, Daniel Whitley, Kentucky Department of Public Advocacy, Amanda Parker, Fayette County Attorney's Office, and Rawl Kazee, a local practitioner.

"It was a pleasure to work with these four students," said Daniel Whitley. "Their great work ethic and solid foundation from the classroom were evident. UK Law should be proud. I am confident these students are able to compete with any law school in the nation."

UK Law makes it a priority to provide opportunities for its students to participate in competitions, allowing them to take their training from the classroom, along with research and writing, and apply their skills in simulated experiences.

"We are committed to opportunities for our students to become practice-ready upon graduation. Every day, as I observe our students hard at work, I know the future of the legal profession is in good hands," said UK College of Law Dean David A. Brennen.

UK Law's Grace Greenwell Named Distinguished Law Student for Sixth Circuit

Grace Greenwell and Professor Christopher W. Frost

Grace Greenwell was selected as The American College of Bankruptcy's (the College) Distinguished Law Student for the Sixth Circuit for 2018.

The Distinguished Law Student program was established by the College in order to identify and promote prospective college leaders in the insolvency and bankruptcy profession. To qualify for this prestigious award, law students must be nominated by either a College member, professor, or their law school dean. Greenwell was nominated by Christopher W. Frost, Everett H. Metcalf Professor of Law at UK Law.

The students then undergo a rigorous evaluation process that includes interviews, submission of written materials, and a review of the candidate's academic standing. All nominated students are considered by their Circuit council, which selects the Distinguished Law Student. One student is selected from each Circuit. The criteria for the selection of the distinguished law student includes academic excellence, professional accomplishments (i.e., moot court, writing competitions, written submissions, law review articles, etc.), commitment to public service, pro bono efforts, extraordinary law school experience and familiarity with insolvency law.

While bankruptcy has become a focus for Greenwell, she had no interest in it before coming to law school. She enrolled in Professor Frost's bankruptcy class only because she enjoyed him as her first-year contracts professor.

"Professor Frost's bankruptcy class is the perfect balance between the philosophical and the practical, which is the same way he coaches our moot court team. His passion for the field—and investment in me as a student—led me to pursue what would have otherwise remained a foreign subject to me," said Greenwell.

Christopher G. Bradley, Assistant Professor of Law at UK Law, also wrote a letter in support of Greenwell's nomination. He further developed her interest in bankruptcy by encouraging her to write about a novel application of the bankruptcy model as part of his seminar.

"I am thankful to both of these professors for adding bankruptcy to the skillset I hope to offer as a first-year associate in corporate litigation," said Greenwell.

The honorees are awarded an all-expenses paid trip to the College's annual Induction Ceremony and Events held during the spring in Washington D.C., where they had the opportunity to meet and get to know the most distinguished bankruptcy practitioners and judges in the country. The 2018 Induction ceremony took place at the Smithsonian's Donald W. Reynolds Center for American Art and Portraiture Museum, and was presided over by G. Christopher Meyer, Chair of the College. Many of the Distinguished Law Students honored by the College have gone on to make important contributions to bankruptcy law and practice.

The College is an honorary professional and educational association of bankruptcy and insolvency professionals. The College plays an important role in sustaining professional excellence and supports educational and pro bono activities in communities around the country. College Fellows include commercial and consumer bankruptcy attorneys, insolvency accountants, turnaround and workout specialists, law professors, judges, government officials and others involved in the bankruptcy and insolvency community.

VOLUNTEER INCOME TAX CLINIC

425
Tax Returns Filed

$65,000+
Saved on
Preparation Fees

$300,000
in Federal Refunds

$40,000
in State Refunds

30
Total Volunteers

600+
Hours of Training

Thank you to
Prof. Doug Michael of UK Law,
Cate Poole, UK Law '12,
and to the following UK Law students:

Abbey Aldridge
Summer Bablitz
Barrett Block
Victoria Boland
Katelyn Brown
Eric Burse
Lauren Cobo
Tad Darlington
John Evans
Alex Henning
Hayden Holbrook
Jared Hudson
Neil Kearns
Jake Miller
Alex Risman
Scott Sullivan
Mitchell Talaki
Anthony Thomas
Jurgens van Zyl

Thank you to Gatton College of Business and Economics.

Student Gains Practical, Impactful Experience Providing Pro Bono Work

The educational experiences available for UK Law students far exceed the classroom, and often provide a positive impact not only on the law student, but also on the community. Third-year UK Law student Julie Greenlee continued to provide pro bono services at Legal Aid of the Bluegrass after serving as a paid law clerk last summer.

"I believe volunteering has tremendous benefits for both the volunteer and the recipient," said Greenlee. "I spent the summer applying my legal knowledge from law school to actual legal practice. I cannot overemphasize how good it feels to use that knowledge to help others."

The work at Legal Aid varied from clerical tasks and client intake to in-depth research and writing projects. "Frequently, I was assigned to research issues of law for the more complex cases that some of the attorneys were handling. I drafted several memos after performing research. I also drafted petitions to the court, wrote a pre-trial memorandum with a fellow clerk, drafted wills and POAs and much more," said Greenlee. "This was a wonderful, hands-on experience for learning how to actually practice law as well as how to adapt to new practice areas."

Greenlee's favorite aspect of being involved with Legal Aid of the Bluegrass was working with the clients. Greenlee was born and raised in Lexington, Kentucky, and never realized how much need there is for assistance in the area. "Last year, the clients in Lexington included 9,832 adults and 5,427 children," said Greenlee. "Forty three percent of all people served in 2017 were the working poor. Furthermore, 13 percent were disabled, 27 percent were elderly, and 27 percent were victims of domestic violence." Greenlee states the clients were typically on the low end of poor, in the middle of a crisis, and had zero ability to help themselves with what were sometimes life-determining legal issues. "There are many clients whose stories really changed my outlook on a number of things, including the legal system and my recognition of the power that comes from the knowledge to navigate that system. I became a very strong advocate for our clients and it felt amazing to impact so many lives."

When asked if she would encourage others to participate in pro bono work, her response was, "Absolutely. It is so easy to get caught up in the academic aspect of law school and forget to take opportunities to gain practical experience. These opportunities sharpen legal skills and build connections in the legal community. I cannot value enough the wide variety of skills I received in different practice areas and the wonderful connections I made while working pro bono."

Julie Greenlee

Greenlee is a member of the Kentucky Law Journal, an officer for Women's Law Caucus and volunteers her time to work with immigrants and Spanish-speaking community members. She is a J.D. candidate for the Class of 2019 and plans to practice at a smaller firm in Kentucky after graduation.

Kentucky Law Journal Hosts Symposium on Religious Exemptions and Harm to Others

The Kentucky Law Journal, in conjunction with the University of Kentucky College of Law, hosted "Religious Exemptions and Harm to Others." The symposium took place at the William T. Young Library and was open to the public.

Elizabeth Sepper, Professor of Law at Washington University School of Law

Featuring a diverse group of scholars from across the nation, the program elaborated on how religious freedoms granted in the United States Constitution and associated religious exemptions play a role in our communities and society. Topics consisted of "Religious Accommodations and Third-Party Harms: Constitutional Values and Limits," "The Oldest Religious Exemption," and "The Cost of Rights."

"This symposium was both timely and of crucial importance to the Commonwealth of Kentucky as the debate about religious liberties, religious exemptions, and freedom of speech continues nationwide," said Jordan Shewmaker, Editor-in-Chief of the Kentucky Law Journal for the 2017-18 academic year.

Speakers for the one-day symposium included:

- Kathleen Brady, Fellow at the Center for the Study of Law and Religion at Emory University
- Carl H. Esbeck, R.B. Price Professor Emeritus of Law/Isabelle Wade & Paul C. Lyda Professor Emeritus of Law at the University of Missouri School of Law
- Catherine Hardee, Assistant Professor of Law at California Western School of Law
- Arnold H. Loewy, George R. Killam Jr. Chair of Criminal Law at Texas Tech University School of Law
- Christopher C. Lund, Professor of Law at Wayne State University Law School
- Micah Schwartzman, Joseph W. Dorn Research Professor of Law at the University of Virginia School of Law
- Eric J. Segall, Kathy and Lawrence Ashe Professor of Law at Georgia State University College of Law
- Elizabeth Sepper, Professor of Law at Washington University School of Law
- Gary J. Simson, Senior Vice Provost for Scholarship for Mercer University

A luncheon immediately followed the morning panels featuring William Marshall, and William Rand Kenan, Jr. Distinguished Professor of Law at the University of North Carolina School of Law.

"My favorite part of the event was the opportunity for our students to interact with the presenters and have legal discussions about their scholarship," said third-year law student Shewmaker. "These lively conversations and opportunity for respectful debate are an integral part of the academic opportunities offered at UK Law."

All presenters will publish an article in Volume 106, Book 4 of the Kentucky Law Journal. A subscription that includes Book 4 can be purchased at http://www.kentuckylawjournal.org/index.php/subscriptions/.

In addition to presenters discussing religious freedoms and exemptions, students and other attendees participated by posing questions throughout the symposium. The program was accredited by the Kentucky Bar Association Commission on Legal Education for a total of 4.25 hours of CLE credit.

"We appreciate the support we received from the University of Kentucky College of Law and the University of Kentucky Student Government Association. More importantly, this event would not have been possible without help from Kentucky Law Journal members who volunteered and contributed to make this event a success, including third-year law student and Special Features Editor Christopher Barber, who organized the symposium," said Shewmaker.

KJEANRL HOSTS SYMPOSIUM

The Kentucky Journal of Equine, Agriculture & Natural Resources Law (KJEANRL), in conjunction with the University of Kentucky College of Law, hosted its fourth annual symposium titled, "Innovation & Advancement." The symposium was held at the William T. Young Library in the UK Athletic Association Auditorium and was open to the public.

Legal practitioners and regulators from across Kentucky discussed current legal, policy, and regulation issues affecting the environment, the equine industry and energy.

Presenters for the all-day event included:

- Bryan Brendle, American Horse Council
- James Burling, Pacific Legal Foundation
- William T. Gorton III, Stites & Harbison PLLC
- James Kay II, Kentucky House of Representatives
- Ryan Quarles, Kentucky Department of Agriculture
- Randal A. Strobo, Strobo Barkley PLLC
- Ty Yeast, Alltech

Sessions featured discussions on the Clean Water Act, federal legislative developments impacting the horse industry, and consumer challenges to food production, as well as a focus on the challenges and opportunities for Kentucky agriculture in 2018 and the debate over history and originalism.

The KJEANRL is a multi-disciplinary journal of law, science, and policy published twice annually by the University of Kentucky College of Law and edited entirely by students of the College of Law.

Commencement 2018

Commencement brings joy, a sense of achievement and an overwhelming sense of community among all who have come together to honor and congratulate the graduates. This foundation of support was recognized by those who spoke at this jubilant event marking the culmination of three years of hard work and strong relationships formed along the way.

Building on the strong foundation of a UK Law education, 106 graduates celebrated their great accomplishment with family, friends, faculty, staff and now fellow alumni at the Singletary Center for the Arts.

"While going through law school, one does not succeed without the support of others," said Dean David A. Brennen as he welcomed all in attendance. "This class is a collection of students who have formed a community that extends beyond the classroom," said Dean Brennen. "In just three years, these students have achieved the extraordinary."

Dean Brennen gleaned several highlights of the Class of 2018's accomplishments. Law and business students worked together as volunteers in the VITA clinic, preparing over 400 tax returns for low-income taxpayers, collectively saving clients thousands of dollars in tax preparation fees. Students enhanced their practical skills training through numerous competitions, such as the Thurgood Marshall Mock Trial Competition in St. Louis, Missouri, the 25th annual Willem C. Vis International Arbitration Moot in Vienna, Austria, and the National Moot Court Competition in Richmond, Virginia. At the National Trial Competition, students in this class claimed first place in regional competition, finished in the top four in the country at the national finals in Austin, Texas, and had a class member win runner-up honors for Best Advocate in the nation.

Victoria Boland

A class member received the prestigious recognition of being selected as the American College of Bankruptcy's Distinguished Law Student for the Sixth Circuit in 2018. Another member received the University's Lyman T. Johnson 2017 Torch Bearer Award, which recognizes a student who exemplifies the passion and courage exhibited by Mr. Johnson, who led racial desegregation efforts at UK. The student-run law journals hosted legal symposia, including the Kentucky Law Journal's Symposium on "*Religious Exemptions and Harm to Others*," and the Kentucky Journal of Equine, Agriculture & Natural Resources Law's Annual Symposium titled "*Innovation and Advancement*." Additionally, class members taught real-life lessons in law and government to high school students through StreetLaw; provided pro bono legal services during spring break in under-served areas of Eastern Kentucky; promoted a healthier law school community through the UK Law wellness Initiative; and partnered with a local non-profit to bring puppies eligible for adoption to the law school to help students relax before finals.

"Through all of these activities, the Class of 2018 demonstrated an outward focus that will continue to serve them as they begin their legal careers," said Dean Brennen.

Victoria Boland, the student who ranked number one in the Class of 2018, spoke to the class, illuminating the graduates' unlimited potential and the importance of creating a strong support system. "Despite the inherent competitive nature that law school has, I have found this to be a consistently supporting and encouraging class that genuinely likes each other, which has made me even more proud to belong to it," said Boland. She continued, "It is my hope that we all realize that our time here at UK has given us much more than a diploma to hang on our walls. It has hopefully given us an awareness and a belief that we have incredible potential to work harder than we thought we could, to realize that inevitable mistakes are meant to be learned from rather than feared, and to seek out and offer support along the way."

Professor Christopher W. Frost, who was selected by the graduating students to deliver remarks, summed up his message by quoting Dr. Martin Luther-King, Jr., "True peace is not merely the absence of tension; it is the presence of justice."

Mark P. Bryant (UK Law '73), of Bryant Law Firm in Paducah, Kentucky, and Vice-Chair of the UK Board of Trustees, addressed the graduates as a representative of the practicing bar. He shared many changes to the profession that have occurred since he began practicing and acknowledged that we work in a faster pace today. He stressed how important it is to exhibit character and bring the human element to practicing law. Additionally, he shared eight "rules of basic training" for young lawyers. One rule is, "Your word is your bond and your most important asset. Be a straight shooter, not a bluffer. This is not a card game. It takes a

lifetime to build a good reputation. It takes seconds to ruin it."

The faculty selected Katelyn Brown as the Faculty Cup recipient, and Dean Brennen presented her with an engraved silver julep cup during the presentation of awards. Dean Brennen recognized the students eligible for the Order of the Coif, as well as students who received the Pro Bono Award. Reaching the culmination of not only the ceremony, but also their law school career, each candidate was awarded their certificate signifying attainment of the degree of Juris Doctor. The Class of 2018 was the first ever to participate in a hooding ceremony as part of commencement.

The UK Law Alumni Association President, Stephen Milner, welcomed the newest members of the association into the profession. He reminded the graduates, "It's the people sitting around you that make this institution the special place it is. Both the sense of camaraderie and goodwill you've nurtured here at UK will serve you well as members of the bar and always."

All Rise!

KEYANA BOKA

FUTURE ALUM

TELL US ABOUT YOUR BACKGROUND.

I am native to Bowling Green, Kentucky. My parents and siblings are all alumni of Western Kentucky University, so choosing WKU for my undergraduate degree was a natural decision (Go Tops!). Through the WKU Honors College, I majored in Biology and Worksite Health Promotions. Studying abroad in Istanbul, Turkey, traveling in Iran, and tutoring international students strengthened my passion for serving immigrant and minority communities here. I was especially active in Student Government Association; and, senior year, I was elected WKU Student Body President and Regent. Those leadership experiences combined my interests in legal governance with serving the needs of communities. Attending law school fit how I wanted to continue those interests.

WHEN DID YOU FIRST BECOME INTERESTED IN LAW SCHOOL?

Looking back on my many hours of anatomy research, my path to law school took some time to develop. The healthcare environment and medical research initially attracted me. However, while working in a hospital emergency department, I learned the clinician role is not for me. Rather, I am more fascinated by the healthcare delivery system's complexities, particularly the laws, policies, and risk management that enable optimal patient care. That is when I became interested in law school. However, practicing health law and advocating for system reform often requires specific administrative knowledge. This led me to the JD and Master in Health Administration (MHA) dual degree program at the University of Kentucky. I completed a year in the MHA program prior to beginning law school.

WHY UK LAW?

As the only JD/MHA dual-degree program in the state, as well as one of the handful of programs in the country, UK Law felt like the perfect match to specializing in health law and administration. UK Law's exceptional faculty and reputation were apparent early on. What sealed my decision was my admissions visit with then-interim admissions dean, Professor Franklin Runge. His personable manner and warm thank you note made the visit stand out above the rest.

WHAT ARE SOME OF YOUR ACCOMPLISHMENTS THAT YOU'RE MOST PROUD OF?

I twice interned at the U.S. H.H.S. Health Resources and Services Administration Federal Office for Rural Health Policy (FORHP) in Rockville, Maryland. As a federal Pathways intern, I contributed to the research and analysis of national projects such as value-based payment models, opioid crisis management, and international physician immigration. I also worked with legal counsel on regulatory changes with the new administrative leadership. I'm proud of the impact of my work product as well as of the close work relationships I continue to maintain.
I am also excited to be re-elected president of the UK Health Law Society. I'm looking forward to the guest speakers and events on current health law issues we are planning for this year.

IN WHAT WAYS DO YOU FEEL UK LAW IS HELPING YOU BUILD A STRONG FOUNDATION?

From the beginning of 1L year, having academic support with Professor Grise and research and writing professors that pushed me (shout-out to the Clay Club) have helped me build a strong foundation for a successful law school career and beyond. As a 1L, I was paired with a 2L mentor who provided insider knowledge of how to navigate law school. The welcoming office hours of my law professors have helped build up my confidence of the material and alleviate exam fears. My experiential learning classes, like Litigation Skills, Legal Drafting, and UK Healthcare Risk Management externship, have taught me some of my most valuable lawyering skills. Outside the classroom, the UK Law community provides many opportunities to build a strong foundation of connections and experiences to carry on after graduation. There are diversity forums and speaker events to intramural sports. My foundation at UK Law consists of academics, social networks, and the support needed for future endeavors.

IS THERE A PROFESSOR OR CLASS THAT HAS REALLY LEFT AN IMPRESSION ON YOU?

Dr. Julia Costich was the first professor I spoke to about pursuing the JD/MHA degree. I have enjoyed taking

several law and MHA classes with her, including my writing seminar topic on legal issues in healthcare artificial intelligence use. I consider her mentorship and support a lasting influence on my career plans. My externship with UK HealthCare Risk Management was especially insightful on the daily challenges of managing potential liabilities for a large academic healthcare system. The externship plus taking Medical Liability with Professor Cory Fannin expanded my interests in medical malpractice and tort reform.

WHAT EXPERIENCES OUTSIDE OF THE CLASSROOM HAVE IMPACTED YOU AND PREPARED YOU FOR YOUR FUTURE?

A major preparation for the future has been clerking at a local law firm. Being able to learn "Firm 101" this summer has helped lay the foundation for valuable career skills, including client relations, filing pleadings, research tactics, billing, and more. Through the UK StreetLaw program, I teach practical lessons in the law at local high schools Martin Luther King Jr. Academy for Excellence and Bryan Station High School. Topics include employment law, housing law, family law, criminal law, immigration law, etc. Teaching the law has helped reinforce the basic principles and knowledge of the law for myself as well. Since the 1L TAB competition, I have been active in the UK Law Trial Advocacy Board. This past semester I participated as the only law student in the UK Global Health Competition, where I worked alongside students in medicine, physical therapy, business, and other healthcare-related fields to present solutions to palliative care and opioid management. It was a fun way to collaborate and learn from other graduate and professional students. For the past two years, I've been involved in the UK Student Health Advisory Council, which promotes health services and advises on health-related funding on campus.

WHAT ARE SOME OF YOUR CAREER GOALS?

Since interning at HHS, I have primarily been interested in government agency and health-related policy work. Now that I have some firm experience, I would also enjoy working at a small or mid-sized law firm. Further in the future, I would be interested in working as in-house legal counsel for a hospital system. In general, I hope to work somewhere I can use both my Health Administration and JD degrees.

YEARS FROM NOW, WHEN YOU LOOK BACK AT YOUR TIME AT UK LAW, WHAT WILL YOU REMEMBER MOST ABOUT YOUR EXPERIENCE?

The communal foundation of UK Law. Most of us have shared the same challenging professors, swapped stories after a night at the OUTLaw Drag Show or Libel show, gathered for student meetings, studied together, met with supportive staff, and connected with some of the greatest friends and people we will know - at UK Law. The Class of 2019 has the unique perspective of being the last class to have used the old law building, and, like the building renovation, our foundations are distinct but shared through UK Law.

KATHRYN MOORE

[GET TO KNOW UK LAW'S STITES & HARBISON **PROFESSOR OF LAW**]

Q: Number of years you have taught at UK Law:
A: 25 years

Q: Classes you teach or areas of focus:
A: I currently teach Tax I, Employee Benefits, State and Local Tax, Land Use Planning, and a Tax Policy Seminar. I have also taught Property and a Property Topics Seminar.

Q: Alma mater:
A: Cornell Law School

Q: Path to UK Law:
A: After my clerkship in Hawaii, I practiced in the tax group in the Washington, D.C. office of a law firm that was named Sutherland, Asbill & Brennan at the time. The firm has since merged and is now called Eversheds Sutherland.

Q: What professional accomplishment are you most proud of?
A: The publication of Understanding Employee Benefits Law. Employee Benefits is a complex and vast area of the law. For years, my students asked for an accessible supplement, but there was nothing appropriate on the market. I spent years writing the treatise – trying to condense the broad and technical subject and present it in an accessible manner to students.

Q: What class do you enjoy teaching the most?
A: I enjoy teaching all of my classes!

Q: What advice would you give to current students?
A: I think my kids' school mottos are good advice to live by:
(1) Work hard. Law school is hard. To be successful in law school as well as the practice of law, you need to work hard.
(2) Play fair. Honesty is a lawyer's stock in trade. Once lost, trust may never be regained.
(3) Be kind. Make the world a better place. Imagine how nice the world would be if everyone were always kind.
(4) Take care of each other. Among your classmates, you may find lifelong friends, future colleagues, future judges, and future clients. Your classmates will remember how you treated them in law school.

Q: What do you enjoy most about teaching?
A: I enjoy watching my students learn and grow.

Q: A fun fact not many people know about you:
A: I clerked for a federal district court in Honolulu, Hawaii, after I graduated from law school. I decided to apply for the clerkship on a cold February day in Ithaca, NY.

Q: What organizations have you served?
A: I currently serve as Chair of the Student Outreach Committee of the American College of Employee Benefits Counsel. I served as a member of the Lexington-Fayette Urban County Board of Adjustment for eight years.

Bird-Pollan is Duncan Teaching Award Recipient

Jennifer Bird-Pollan, James and Mary Lassiter Associate Professor of Law, is the recipient of the 2017 Duncan Teaching Award at the University of Kentucky College of Law. Every year, a UK Law faculty member is recognized for excellence in the classroom, courtesy of the Robert M. and Joanne K. Duncan Faculty Improvement Fund, which was established in 1982 to promote outstanding teaching performance at the college.

Professor Bird-Pollan joined the UK Law faculty in 2010. She teaches a variety of Tax Law courses, including Basic Income Tax, Corporate Tax, Partnership Tax and International Tax. She is fully engaged in the academic welfare of her students and they enjoy her both inside and outside the classroom. Students describe her classroom teaching as simply wonderful. A past student said she "made the material interesting and much easier to understand." Another student described her International Tax class as "brutal," and did not "know if [he/she] would have survived it under a different professor."

Outside the classroom, Professor Bird-Pollan constantly advises and assists students who are trying to obtain admission to Tax LLM Programs. She also regularly assists with the UK Law Volunteer Income Tax Assistance (VITA) Clinic, serves as the faculty advisor to the UK Law Tax Law Society, and has guided students to success in tax moot court and writing competitions. Finally, Professor Bird-Pollan enjoys counseling students on the employment front.

Professor Bird-Pollan received her JD from Harvard Law School, where she was the articles editor for the Harvard Journal of Law and Gender, and her BA in Philosophy and French from Penn State University, where she graduated with distinction and honors in Philosophy. Professor Bird-Pollan also earned an MA and PhD in Philosophy from Vanderbilt University. Before law school, she taught undergraduate philosophy courses at Vanderbilt and Harvard College. Professor Bird-Pollan served as the 2014-2015 Fulbright Visiting Professor at the Vienna University of Business and Economics in Vienna, Austria, and also served as a visiting professor at Indiana University Maurer School of Law. Her current research lies at the intersection of tax law and philosophy, specifically with regard to questions of justice and fairness.

"Professor Bird-Pollan's passion and commitment to teaching make her a valuable asset to the students as well as the broader UK Law community," said Dean David A. Brennen. "The award is well-deserved."

The recipient of the Duncan Teaching Award receives a one-time award of $5,000.

Jennifer Bird-Pollan, Robert G. Lawson Professor of Law

Bird-Pollan Elected Chair of University Senate Council

Jennifer Bird-Pollan, James and Mary Lassiter Associate Professor of Law at UK Law, has been elected as chair of the University Senate Council. Prof. Bird-Pollan serves as chair from June 1, 2018, to May 31, 2019, with the opportunity to be elected for an additional one-year term.

"It's a chance to work with faculty from all across campus, and to work closely with the central administration, to try to make a difference here at UK. It's a really exciting opportunity," said Prof. Bird-Pollan.

A year ago, Prof. Bird-Pollan was selected as a member of the University Senate Council for a three-year term. She was then nominated by the Senate at large as one of three candidates for the chair position and, after the accepting the nomination, she wrote a 200-word statement about her vision for the role. Prof. Bird-Pollan was selected as chair by a majority in the first round of voting.

"It seemed like a lot of important policy decisions and choices about the direction the Senate was taking were made at the level of the Senate Council, before it got to the Senate floor," said Prof. Bird-Pollan. "I wanted to be part of that conversation."

As the chair of the University Senate Council, Prof. Bird-Pollan will facilitate the Senate Council's weekly meetings. She will also meet regularly with the President and the Provost to keep them apprised of the Senate's work. The Senate Council Chair is also often asked to participate in university-wide committees.

Professor Bird-Pollan joined the UK Law faculty in 2010. She teaches Federal Income Tax, Estate & Gift Tax, International Tax, Partnership Tax, Corporate Tax, and a Seminar in Tax Policy.

Taking the Opioid Fight to the Courts: Kentucky Expert Weighs In

BY WHITNEY HARDER

Richard C. Ausness, Stites & Harbison Professor of Law

As the opioid epidemic continues to wreak devastation on communities across Kentucky and the nation, counties, cities and states have filed hundreds of lawsuits against pharmaceutical companies to try and hold them accountable.

In theory, the litigation could help recoup some of the massive costs associated with the crisis. A new study by nonprofit group Altarum estimates the crisis has cost the nation $1 trillion from 2001 to 2017. Federal, state and local governments are shouldering a good portion of that burden through "lost tax revenue and additional spending on health care, social services, education and criminal justice."

But is litigation a powerful tool in the fight against the opioid epidemic? And does bad behavior equal liability?

Stites & Harbison Professor of Law and product liability expert Richard Ausness, who has written about the issue and spoke more about it on "CBS News Sunday Morning" earlier this year, is not quick to respond with a simple "yes."

The situation rings familiar with the legal battle that states brought against tobacco companies, resulting in a 1998 global settlement with a minimum of $206 billion paid over the first 25 years.

Ausness thinks — like the tobacco battle — most of the opioid lawsuits will not be tried in court.

"Frankly, neither side (of the tobacco litigation) wanted to litigate," he said. "Plaintiffs didn't want to spend millions and companies didn't want dirt coming out through the discovery process."

But, Ausness adds, the prospects for states winning — in court or through settlements — is a mixed bag.

"It isn't a sure thing that they're liable to the government. Many people assume if someone behaves badly, that means liability. But there are a lot of potential barriers to that."

Public nuisances have been the most common charges filed against opioid manufacturers, distributors and marketers, Ausness said, but common law varies from state to state, so that strategy could succeed in some communities and fail in others.

What about other legal strategies that could be more effective? Ausness suggests criminal prosecution, prosecuting pill mills and doctors who over prescribe, and civil conspiracy. For example, communities could allege pharmaceutical companies "engaged in a civil conspiracy to increase market share by misrepresenting the drug's risks and benefits."

As for negligent marketing, Ausness thinks that could be argued against distributors, specifically, as those companies are responsible for promoting and selling. It would be more difficult to claim this against manufacturers.

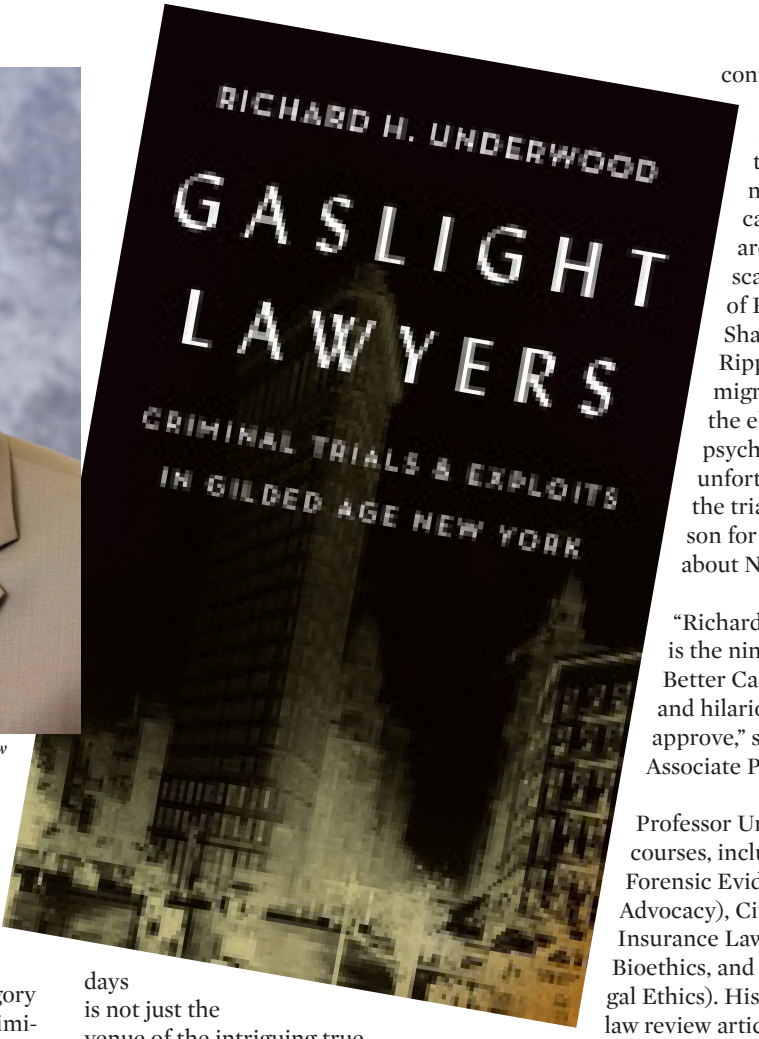
The problem in using these theories lies in taking an established concept of law and trying to expand it — "some courts will accept that and some will not."

If pharmaceutical companies do end up settling, the size of the settlement could be "considerably larger" than the tobacco settlement because of the number of plaintiffs, Ausness said.

But, will that be effective in fighting the opioid epidemic? "Litigation can help shape perception, but it needs to be part of a broader, comprehensive plan with programs to directly help individuals harmed by the crisis," explained Ausness.

PROFESSOR UNDERWOOD WINS INDEPENDENT PUBLISHER BOOK AWARD

Richard H. Underwood, Edward T. Breathitt Professor of Law



Richard H. Underwood, Edward T. Breathitt Professor of Law at the University of Kentucky College of Law and winner of two Independent Publisher Book Awards and the 2016 Foreword Reviews INDIES Award (Bronze: True Crime), was awarded a 2017 silver medal in the True Crime category with his newest book, Gaslight Lawyers: Criminal Trials & Exploits in Gilded Age New York.

A fascinating history of crime and punishment, the 284-page book paints a serious but entertaining picture of colorful characters, courtroom drama, and the emerging importance of forensic science and medical-legal jurisprudence in Gilded Age New York City.

From the 1870s to the early 1900s, post-Civil War New York City was becoming a wonder city of commerce and invention, art and architecture, and emerging global prominence. It was also a city of crime, corruption, poverty, slums, and tenements teeming with newcomers and standing in sharp contrast to the city mansions and the extravagant lifestyle of the rising American aristocracy. The New York City of those days is not just the venue of the intriguing true stories told in this book, it is also a supporting actor in them.

"My new book Gaslight Lawyers tells many entertaining stories of the shenanigans of lawyers and judges in the criminal courts of New York City during the Gilded Age," said Prof. Underwood. "Hopefully it will remind readers that: '[N]o country can be well governed unless its citizens as a body keep religiously before their minds that they are the guardians of the law, and that the law officers are only the machinery for its execution, nothing more.'"

Drawing from the experience of a legal scholar and from a wealth of thorough research gleaned from trial transcripts, other court records, contemporary newspaper stories, and memoirs, Prof. Underwood reconstructs and recounts the absorbing legal drama of a number of spectacular criminal cases. Among the murder trials are the Nack-Thorn-Guldensuppe scattered body parts case; the trial of Frenchy for the murder of Old Shakespeare (the so-called Jack the Ripper case); the trials of Italian immigrant Maria Barbella, who escaped the electric chair with a defense of psychic epilepsy; the ordeals of the unfortunate Dr. Samuel Kennedy; and the trial of Florodora Girl Nan Patterson for the murder of gambler and man about New York Thomas Caesar Young.

"Richard Underwood's Gaslight Lawyers is the nineteenth-century equivalent of Better Call Saul – surprising, insightful, and hilarious. Charles Dickens would approve," said Brian L. Frye, Spears-Gilbert Associate Professor of Law at UK Law.

Professor Underwood has taught a variety of courses, including Evidence, Scientific and Forensic Evidence, Litigation Skills (Trial Advocacy), Civil Procedure, Federal Courts, Insurance Law, Remedies, Law and Medicine, Bioethics, and Professional Responsibility (Legal Ethics). His legal publications include many law review articles, and he is the co-author of three legal practice books. Prof. Underwood has received special awards from the Kentucky Supreme Court for his work on the Kentucky Rules of Professional Conduct (1989) and for his service as the chairman of the Kentucky Bar Association Ethics and Unauthorized Practice Committees (1998).

RICHARD AUSNESS SELECTED AS UK LAW'S UNIVERSITY RESEARCH PROFESSOR FOR 2018-19 ACADEMIC YEAR

The University of Kentucky Office of the Vice President for Research, with approval by the Board of Trustees, selected Richard C. Ausness, Associate Dean for Faculty Research and Stites & Harbison Professor of Law at the University of Kentucky College of Law, as the college's University Research Professor for the 2018-19 academic year.

A UK Law Committee chaired by Melynda J. Price, UK Law University Research Professor for the 2017-18 academic year and William L. Matthews, Jr. Professor of Law, and comprised of Professors Robert Schwemm and Louise Graham, reviewed a highly competitive pool of candidates. They chose Professor Ausness as the college's nominee because his application most clearly met the goals of the University Research Professor Award. Upon recommendation by the UK Law Committee, Professor Ausness submitted a thorough application for consideration to the University's selection committee. "He was chosen not simply because of his scholarly record, but also because of the creativity of his current research agenda," said Professor Price. "His current work on opioid litigation has contributed to the national conversation and is of particular interest to the Commonwealth of Kentucky and its citizens."

The UK Board of Trustees established the University Research Professorships in 1976 to recognize outstanding research achievements. The University Research Professors Program was revised to meet the overall objective of UK's 2015-2020 Strategic Plan. The program distinguishes excellence across the full spectrum of research, scholarship, and creative endeavors within each college that nominates a faculty member. Each University Research Professor receives a one-year award of $10,000 to be used to further their research, scholarship and creative endeavors.

"The impact of these faculty to the University, and to the Commonwealth, cannot be overstated. They are shining examples of the tireless work that is moving the research enterprise forward, creating new knowledge, discovering new cures, and empowering the next generation of scientists and scholars under their mentorship to change their world for the better," according to Lisa Cassis, Vice President for Research at the University of Kentucky.

Richard C. Ausness, Stites & Harbison Professor of Law, with University of Kentucky President Eli Capilouto.

"I was honored and gratified to be chosen by the Vice-President for Research as a University Research Professor," said Professor Ausness. "I applaud the University Administration for encouraging and supporting research in this way. Research and scholarship have always been an important part of my fifty-year academic career. Not only do I find my research to be immensely creative and satisfying, but I hope that it provides a positive benefit to the public."

Professor Ausness' current research agenda is concerned with opioid litigation, and the opioid addiction epidemic more generally. "Hopefully my work can make a small contribution toward solving this terrible social problem," said Professor Ausness.

Professor Ausness has been a member of the UK College of Law Faculty for 45 years. He has written and made a scholarly impact in several areas of law, including water and environmental law, products liability, land use and legal history. His work in these areas has been impactful. His scholarship has been well received by practicing lawyers and the legal academy alike. His scholarship has been cited by courts, including the United States Supreme Court, treatises and law reviews more than 1,500 times. He has recently been interviewed by and quoted in various magazines and newspapers, including the New York Times, London Financial Times, Washington Post, Boston Globe, Washington Times, Miami Herald, (Canada) Globe and Mail, National Law Journal and USA Today. He has also appeared on several radio and television programs, including BBC, RTI (Russian State Television), CBS News Sunday Morning, PRI, and Canadian television.

Fourteen University Research Professors were recognized for their accomplishments at a spring reception hosted by UK President Eli Capilouto.

UK Law Professor Completes University Research Professorship

Mary J. Davis, Ashland-Spears Distinguished Research and Frost Brown Todd Professor of Law

Mary J. Davis, Frost Brown Todd Professor of Law at the University of Kentucky College of Law, served as a visiting research professor at the University of Edinburgh School of Law in Scotland at the culmination of her University Research Professorship.

While serving as a University Research Professor at the University of Kentucky, Prof. Davis explored the liability regimes for pharmaceutical-related injuries. Because Scotland has a unique mixed common law and civil law heritage, and is connected to the European Union in ways that the rest of the United Kingdom is not, she decided to study the philosophical and doctrinal differences in these two legal systems, as well as the procedural differences in how liability is assessed and compensation is provided for pharmaceutical-related injuries.

"One of the primary reasons the U.S. drug regulatory system is the way it is today is the failure of the civil justice system in the United Kingdom to respond to the tragedy of birth-defects in children of pregnant women who took thalidomide in the United Kingdom in the 1960s," said Prof. Davis. "Several of the faculty members of the Edinburgh law school study tort law, or 'obligations law' as they call it. They shared their research with me, as well as provided me with a deeper understanding of the procedural differences."

Although Prof. Davis did not have any teaching obligations while abroad, she was invited to participate broadly in the life of the law school. She participated in seminars with faculty who are affiliated with the Edinburgh Centre for Private Law and in activities encompassing a wide range of private law topics, from the law of property to commercial law subjects. In addition, the United Kingdom Supreme Court heard arguments in Edinburgh – for the first time in its history – during her visit there. In honor of the occasion, the law school hosted a number of events that Prof. Davis attended.

"My favorite experience was having a fascinating conversation with Lady Brenda Hale, Deputy President and justice of the Supreme Court, about their recent constitutional law decision on Brexit. That was a highlight!" exclaimed Prof. Davis. "Of course, traveling around Scotland, Ireland, and England comes in a close second."

As a result of her visit to Scotland, she connected with a faculty colleague who has been very involved in her research subject from the European Union/United Kingdom perspective. He has been preparing a collection of papers to be published within the year, and he asked Prof. Davis to contribute, to which she happily agreed.

"The connections I made while at Edinburgh have already proven very beneficial to my scholarship, and to my professional life. The Edinburgh Law faculty is a wonderful group of people at a world-class university and I am very pleased to have had the opportunity to visit there," said Prof. Davis.

FACULTY NOTES

Albertina Antognini attended the Grey Fellows Forum at Stanford Law School, and presented a draft of her work, called *The Marginal Law of Nonmarriage*. She also served as a commentator for UK Law's Developing Ideas Conference. She co-chaired the annual Family Law Scholars and Teachers conference, which was held at Fordham School of Law, and she also presented her work. She is working on a re-written family law opinion in the case of Michael H. v. Gerald D., to be included in a book titled "Feminist Judgments: Rewritten Family Law Opinions" (Cambridge University Press, 2018). Her article *Against Nonmarital Exceptionalism* was accepted for publication in 2018 by the U.C. Davis Law Review.

Richard C. Ausness's article, *Non-Charitable Purpose Trusts: Past, Present, Future* was included in GPSolo magazine's compilation of the best articles published by the ABA's sections, forums, and divisions. His work has been cited in Sitkoff & Dukeminier, Wills Trusts & Estates (10th ed. 2017), the Indiana Law Journal, the Stanford Environmental Journal, the Journal of Land Use and Environmental Law, the New York Bar Journal, Probate & Property, Estate Planning, the Journal of Food Law and Policy, the Stanford Journal of International Law, the Washington Law Review, Health Matrix, the Florida Bar Journal, the Utah Law Review, the Drake Law Review, U.C. Davis Business Law Journal, and the American Business Law Journal. His article, *Sailing Under False Colors: The Continuing Presence of Negligence Principles in "Strict" Products Liability Law*, was published in 43 U. Dayton L. Rev. 265-95 (2018). His work was cited in the Harvard Law and Policy Review, the Minnesota Law Review and the Vanderbilt Law Review, and he was recently quoted in the BNA Products Liability Reporter and the Washington Post. He appeared on radio broadcasts by the BBC, PRI, Bloomberg Law Radio and NHPR, and was quoted in the Atlantic Magazine, Axios, the Kiplinger Letter, the London Financial Times, the Toronto Star, the Washington Post, the Washington Times, the Los Angeles Times, Bloomberg News, the Christian Science Monitor, the Milwaukee Journal-Sentinel, the Knoxville New Sentinel, the Salt Lake City Tribune, the Santa Fe New Mexican and the Washington Examiner. In addition, he has been interviewed by Bloomberg Law, the National Law Journal, the Boston Globe, the Miami Herald, the Lexington Herald-Leader, WEKU and Ohio Valley Resource.

(continued on pg. 20)

FACULTY NOTES

Brian L. Frye

Jane Grisé

Kristin J. Hazelwood

Melissa N. Henke

Diane B. Kraft

Amelia Landenberger

Jennifer Bird-Pollan presented at a conference in Braunschweig, Germany, on the topic of Philosophy and Inheritance Law. She submitted a chapter to a book publishing the proceedings of the conference. She has been invited by the Kentucky Law Journal to publish an online response to a forthcoming article called "Freezing the Future: Elective Egg Freezing and the Limits of the Medical Expense Deduction." She taught a course on U.S. Tax Law to LL.M. students at the University of Cologne. She published a solicitedblog post with the ACS Blog called "Economic Inequality and Taxes." She taught a two-day course on U.S. International Tax Law at the Vienna University of Economics and Business and a one-day course on U.S. International Tax Law at the University of Cologne. She was an invited presenter at the Georgetown Tax Policy Colloquium on Philosophy and Wealth Transfer Taxation. She was a co-organizer of the 2017 Association of Mid-Career Tax Professors (AMT Profs) Conference and was a co-organizer of the Collaborative Research Network of Law, Society, and Taxation at the 2017 Law & Society Conference in Mexico City. She discussed the federal tax reform on "Kentucky Tonight." The episode is available at https://www.ket.org/episode/KKYTO%20002502/.

Scott R. Bauries is publishing *State Constitutional Provisions Prohibiting Aid to Religious Institutions*, in LAW, RELIGION, AND EDUCATION (Charles Russo, ed.) (forthcoming 2018). He is publishing an article in a symposium issue of the Marquette Benefits and Social Welfare Law Review. The article is titled *The Logic of Speech and Religion Rights in the Public Workplace* (forthcoming 2018).

Christopher G. Bradley was quoted in a Bloomberg BNA article titled, "Bankruptcy Filings Hit 10-year Low, May Rise Again."

Zachary A. Bray gave a presentation on The Fragile Future of Aquifer Storage and Recovery, at the Natural Resources Law Professors Conference in Santa Fe, New Mexico. His 2016 article in the Utah Law Review, "RLUIPA and the Limits of Religious Institutionalism," was re-published in Leslie Griffin's Law and Religion Casebook (Foundation Press 4th ed. 2017). In addition, the article was chosen for inclusion in the 2017 Zoning and Planning Law Handbook, published by Thomson Reuters."

David A. Brennen Rewritten concurring opinion of *Bob Jones University v. United States*, 461 U.S. 574 (1983), in FEMINIST JUDGMENTS: REWRITTEN TAX OPINONS (Cambridge University Press, 2017).

Allison Connelly coached the National Trial Team that finished as one of the top four trial teams in the nation at the National Trial Competition in Austin, Texas. The National Trial Competition is the most prestigious trial competition in the nation, which involves more than 140 ABA law schools and over 1,000 law students each year. She gave remarks on Law Day at the Kentucky State Capitol in the Chamber of the House of Representatives. She also received the Liberty Bell Award, which "recognizes individuals for performing outstanding community service, promoting better understanding of the rule of law, encouraging greater respect for the law and the courts, stimulating a sense of civic responsibility and contributing to good government in the community."

James M. Donovan published an article titled, *Human Rights: From Legal Transplants to Fair Translation*, 34 Wis. Int'l L.J. 475, (2017). He was also appointed newsletter editor of the American Library Association's Politics, Policy and International Relations Section of the Association of College and Research Libraries (ALA ACRL PPIRS).

Joshua A. Douglas published an essay titled *Local Democracy on the Ballot*, in 111 Nw. U. L. Rev. Online 173 (2017). His article, *The Right to Vote Under Local Law*, was published by the George Washington Law Review (2017). He also published the following issue brief for the American Constitution Society: Expanding Voting Rights Through Local Law. In addition, he published op-eds in the Washington Post, AL.com, Reuters, the Huffington Post and CNN. He was quoted in the Lexington Herald-Leader, the N.Y. Daily News, CNN, the Seattle Times, the ACS Blog, USA Today, Bloomberg Radio, Business Insider, CNN and Governing. He made media appearances on KCBS (San Francisco)Bloomberg Radio, U.S. News & World Report, Fox News, WKYT (CBS), Insider Louisville, CNN, On Point (NPR), Washington Post, Mother Jones and Milwaukee Journal-Sentinel.

Brian L. Frye published the following articles: *An Empirical Study of University Patent Activity*, N.Y.U. J. I.P. & Ent. L. (with Christopher J. Ryan, UK Law '13); *Equitable Resale Royalties*, 24 J. Intell. Prop. L. 1 (2017); *Against Creativity*, 11 N.Y.U. J.L. & Liberty 426 (2017); *Fixing Forum Selling*, 25 U. Miami Bus. L. Rev. 1 (2017) (with CJ Ryan.); The Zapruder Film, in "A History of Intellectual Property in 50 Objects" (Daniel Hunter & Claudy Op den Kamp, eds. Cambridge University Press 2018); *Art Law & the Law of the Horse*, Kentucky Bench & Bar; *The Lion, the Bat & the Thermostat: Agnostic Reflections on Artificial Intelligence*, Savannah L. Rev.; *New Art for the People: Art Funds & Financial Technology*, 93 Chicago-Kent L. Rev. (2018); and *A Revealed Preferences Approach to Ranking Law Schools*, 69 Ala. L. Rev. 495 (2017) (with CJ Ryan). Professor Frye along with CJ Ryan, presented their article, "An Empirical Study of University Patent Activity at the Searle Center on Law, Regulation, and Economic Growth," at Northwestern Pritzker School of Law. The article will be published in the NYU Journal of Intellectual Property and Entertainment Law. They posted a paper titled, "A Revealed-Preferences Approach to Ranking Law Schools," which was the most downloaded law review article of 2017 on SSRN. It will be published in the Alabama Law Review. He presented his paper titled, "Invention of a Slave," at the Syracuse Law School Forgotten IP Symposium. It will be published in the Syracuse Law Review. Prof. Frye gave a TEDxJLU talk to 1000 Chinese undergraduates at Jilin University in Changchun on the theme "Extremum."

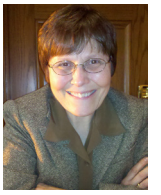
Jane Grisé published a new book titled "Critical Reading for Success in Law School and Beyond" (West Academic 2017). She also attended the Association of Academic Support Educators (AASE) Conference in Fort Worth, Texas, where she presented "How to Teach Students to Become Experts in Self-Assessment." In addition she attended an Association of Legal Writing Directors (ALWD) Conference in Minneapolis, Minnesota and presented "Building an Inclusive Legal Writing Classroom" and served on a panel on "Incorporation of Critical Reading Skills into the Legal Writing Classroom." She attended the SEALS conference in Boca Raton, Florida, and served as a panelist in "The Use of Mindfulness Techniques in the Classroom to Enhance Oral and Written Communication Skills." She presented at the West Coast Consortium of Academic Support Professionals Sixth Annual Conference in November on Critical Reading: Strategies for Success. She also presented at the Central States Regional Legal Writing Conference on Learning Oral Advocacy and Learning from Oral Advocacy. She and Melissa Henke presented Using Visual, Digital, and Oral Communication Skills in the Legal Writing Classroom at the Legal Writing Institute Biennial Conference.

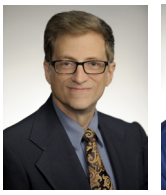
Albertina Antognini

Richard C. Ausness

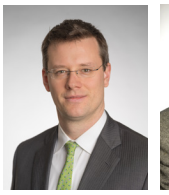
Jennifer Bird-Pollan

David A. Brennen


Alison Connelley


James M. Donovan

Scott R. Bauries


Christopher G. Bradley

Zachary A. Bray

Joshua A. Douglas

Robert G. Lawson

Cortney E. Lollar

Kathryn L. Moore

Melynda J. Price

Paul E. Salamanca

Robert G. Schwemm

Beau Steenken

Richard H. Underwood

Sarah N. Welling

Andew Keane Woods

Kristin Hazelwood presented at the Central States Regional Legal Writing Conference on Learning Oral Advocacy and Learning from Oral Advocacy. She and Melissa Henke presented on Legal Ethics in Legal Writing at the UK/CLE Employment Law Institute.

Melissa Henke presented "Innovative Assessment: How to Assess When Grades Aren't Given" at the AALL Annual Conference. In her role as a member of the Association of Legal Writing Directors Leadership and Development Committee, she facilitated discussion groups at the ALWD 2017 Biennial Conference, which focused on "Acknowledging Lines: Talking About What Unites and Divides Us." She presented at the 2017 Assessment Institute in Indianapolis, Indiana, with Beau Steenken. Their presentation, "Putting the 'Form' in 'Formative Assessment:' The Pedagogical Value of Outcomes-Based Rubric Forms as Learning Tools in Law Schools," was featured in the Graduation Education track of the conference schedule. Melissa Henke and Jane Grise presented at the Legal Writing Institute Biennial Conference in July. The topic of their presentation was Using Visual, Digital, and Oral Communication Skills in the Legal Writing Classroom. In addition, Melissa and Kristin Hazelwood presented on Legal Ethics in Legal Writing at the UK/CLE Employment Law Institute in June.

Diane Kraft participated as a panelist on the Global Legal Writing Skills Webinar, "Teaching Global Skills to International and U.S. Law Students." Her videocast presentation for the webinar is titled "Current Research in Contrastive Rhetoric: What Does it Mean for the Legal Writing Classroom?"

Amelia Landenberger spoke at the AALL Annual Conference. The subject of her talk was "Innovative Assessment: How to Assess When Grades Aren't Given."

Robert G. Lawson signed his latest book, Who Killed Betty Gail Brown? Murder, Mistrial, and Mystery, at the Kentucky Book Fair.

Cortney Lollar presented Criminalizing (Poor) Fatherhood, at the Developing Ideas Conference and the mid-year AALS Criminal Justice Section meeting in Washington, DC. A version of this piece was accepted for the Workshop on Legal Transitions and the Vulnerable Subject, to be held at Emory University School of Law. She presented Criminal Law and the Law of Equity, as part of the Remedies Discussion Group at the SEALS Conference. She also gave a presentation to administrative law officers and practitioners on Kentucky evidentiary rules as part of the Office of the Attorney General's Annual Hearing Officer Training. Her article Criminalizing Pregnancy was published in the Indiana Law Journal. She was a featured commentator on the preeminent Supreme Court blog, SCOTUSBlog as part of the blog's very widely-read "Argument Preview" series, for which the editors select nationally known experts on topics before the Court to summarize the issues and weigh in on what to expect from the Court at oral argument. Her commentary on the pending case Lagos v. United States focuses on criminal restitution, one of the main issues about which she has been writing for several years.

Kathryn L. Moore moderated one of the tax panels in the Tax Workshop at the SEALS Conference.

Melynda J. Price was selected as UK Law's University Research Professor for academic year 2017-18.

Paul E. Salamanca was quoted in an AP story that ran on U.S. News & World Report titled, "Trump Chooses Another Kentuckian for Appeals Court."

Robert Schwemm made two presentations at the annual conference of the National Fair Housing Alliance in Washington, D.C., in June: (1) a plenary talk to over 500 people on the past year's major fair housing developments; and (2) a panel discussion on the Supreme Court's recent standing decision under the Fair Housing Act. He will speak again in Washington at two HUD conferences this year and in Michigan in October. In September, the John Marshall Law School (Chicago) will honor his scholarship and other contributions to housing discrimination law at a two-day conference on "Melding Scholarship and Advocacy under the Fair Housing Act."

Beau Steenken presented at the 2017 Assessment Institute in Indianapolis, Indiana, with Melissa N. Henke. Their presentation, "Putting the 'Form' in 'Formative Assessment:' The Pedagogical Value of Outcomes-Based Rubric Forms as Learning Tools in Law Schools," was featured in the Graduation Education track of the conference schedule.

Richard H. Underwood signed his latest book, Gaslight Lawyers: Criminal Trials & Exploits in Gilded Age New York, at the Kentucky Book Fair. He also served as UK Law's Guest Blogger in November. He wrote a book review on Who Killed Betty Gail Brown? Murder, Mistrial, and Mystery by Robert G. Lawson. He served on a panel at the 2018 Appalachian Studies Association Conference. The presentation focused on the humanities course at the University of Pikeville and the use of his book CrimeSong as a textbook. He received the Silver Medal IPPY Award (Independent Publishers Book Award) for his book Gaslight Lawyers: Criminal Trials and Exploits in Gilded Age New York (2017).

Sarah Welling and the Sixth Circuit Pattern Criminal Jury Instruction Committee published new instructions. The instructions on Bank Fraud were revised to reflect Loughrin v. United States, 134 S. Ct. 2384 (2014) and Shaw v. United States, 137 S. Ct. 462 (2016), and a chapter on Hobbs Act instructions was published that covers extortion, bribery of public officials and robbery. The instructions and commentary are available at http://www.ca6.uscourts.gov/pattern jury instructions. They are also available on Westlaw in Federal Jury Practice & Instructions. She also spoke on a panel at the Sixth Circuit Judicial Conference in Nashville. The discussion was titled "Jury Instructions: Is Anyone Really Listening?" The panel, chaired by Judge Sheryl H. Lipman of the Western District of Tennessee, included Prof. Shari Seidman Diamond of Northwestern Pritzker School of Law and Gail Ashworth of Wiseman Ashworth Law Group.

Andrew Keane Woods testified before the House Judiciary Committee on reforming the Electronic Communications Privacy Act. He also published a chapter in "The Cambridge Handbook of Surveillance Law" titled Mutual Legal Assistance in the Digital Age. He was quoted in a CNN story titled, "Tech companies are hindering criminal investigations, under outdated law."

Building on a Strong Foundation

BY RUTH PAARMANN

"The law school is the foundation and taught me things I needed to do to be active and participate in the legal arena and other activities. It prepared me to go into the real world and be productive."

WILLIAM FRANCIS
UK LAW '73

"UK Law gave me the building blocks and tools to learn about the law, perform research, hone my writing skills, and be an advocate for clients."

ENA VITESKI
UK LAW '12

"There were wonderful professors in the business, tax, and real estate areas as well as criminal law."

STEVE RUSCHELL
UK LAW '74

"Nothing can replace the foundation I received from the high-quality teaching at the law school."

JIM HARRALSON
UK LAW '79

"Once I completed law school, I felt that I could step right into doing trial work. It was fantastic training and experience. The law school instills the need for leadership as part of the responsibility that goes with the practice of law."

CHARLES "BUZZ" ENGLISH, JR.
UK LAW '83

"They provided tools that enable me to look at the larger picture and to address and evaluate problems. Without the broad legal education that I was fortunate to receive, I would not have had the skills to develop a narrow practice."

LISA ENGLISH HINKLE
UK LAW '82

"The big thing at UK Law is that the professors teach a different way of thinking. You learn that there are a lot of different ways to get the same thing done. That's what you have to do in life and in your work. It's amazing how many of those principles apply in working and evaluating cases."

DAVID OLINGER
UK LAW '76

"As an African American, the fact that my father and I both graduated from UK Law means a lot to me personally. I also think about what it means for the next generation walking the halls to look at the graduation class photographs and see that they, too, can create a legacy."

JOSLYN GLOVER
UK LAW '02

Building Blocks for a Fulfilling Career and Life

WILLIAM G. FRANCIS
ATTORNEY AT LAW
FOWLER BELL
LEXINGTON, KY

Fifty years after completing his undergraduate degree from the University of Kentucky and following four decades as a self-described "country lawyer" who specialized in adoptions and mediation for a decade, Bill Francis (J.D. **1973)** believes law school gave him the building blocks for a fulfilling career and life.

"The law school is the foundation and taught me things I needed to do to be active and participate in the legal arena and other activities," he says. "It prepared me to go into the real world and be productive."

Bill saw the value of productivity first hand. Between his father's law career and the time he spent in his family's clothing store, it was easy for Bill to choose a profession.

"I wanted to do more than sell pants all day," he explains. "Being a lawyer allowed my father to do different things. It occurred to me that law could afford me the opportunity to be involved in things that interested me."

Bill attended UK Law for a year before being called to the National Guard. He returned to law school, shadowing a circuit judge weekly during his final semester. After reviewing pleas and discussing law with Judge Cox, Bill spent one year as a Kentucky Court of Appeals clerk. He then set up his own law practice in Prestonsburg, where he fulfilled the various legal needs of the community.

"I always tell people to go to law school for one reason—to get a great education and foundation to pursue anything you want, whether you want to be a lawyer or anything else. It's invaluable," Bill says.

During his career, Bill has, indeed, been involved and productive. In addition to having his own practice for 40 years, Bill has been part of the Kentucky Defense Council since its incorporation in the late 1970s and served as its chair. He was appointed as a special justice on the Supreme Court of Kentucky twice. He also served three terms on the Kentucky Bar Association's Board of Governors that rules on ethics violations.

After about 25 years, Bill took an interest in specializing in mediation and adoptions. He completed more than 50 adoptions.

"Adoptions were something my father enjoyed doing, and I found them rewarding, too. I earned a reputation for doing them. I had the skill and knowledge of many areas of law that would allow me to mediate different legal issues due to my foundation of legal experience and exposure," he says.

Bill also participated in tourism, economic development, arts, education, and other nonprofit organizations. He received the UK Law Community Service Award in 2011, but one of his proudest moments was receiving the Milner Award, the Kentucky Arts Council's highest honor.

"Art opens many doors and helps people find their way. It improves their education and quality of life, and it can take down barriers," he says.

Now at Fowler Bell in Lexington, Bill practices education, insurance, and general law. He and his wife are working on the Golden Wildcats' 50th Reunion celebration of their undergraduate class, which takes place October 2018. He looks forward to reminiscing and showing others how the law campus has changed.

"I've had a varied career," Bill says. "Everything has overlapped and interconnected, and I hope I have been one who has made things better along the way."

Father & Daughter's Proud Legacy

DAVID Y. OLINGER, JR.
RETIRED ASSISTANT U.S. ATTORNEY
EASTERN DISTRICT OF KENTUCKY
J.D. 1976

JOSLYN OLINGER GLOVER
SENIOR DIRECTOR OF THE CENTER FOR STUDENT ACCESSIBILITY
EASTERN KENTUCKY UNIVERSITY
J.D. 2002

Growing up in the small town of Hazard, Kentucky, David Olinger knew he wanted to go to law school. Little did he know that his daughter would one day be interested in the law. She, too, would choose UK Law to prepare herself for a completely different type of career than her father's lengthy tenure as an assistant U.S. attorney.

Following high school, David decided to attend Berea College for History and Political Science. Just as he was accepted into UK Law in 1969, he was drafted. Following four years in the Navy, he was excited to begin studying law and began commuting to Lexington with fellow students Ira Newman and George Moore. David brought his lunch every day, which offered an opportunity to broaden his perspectives in the law school's lunchroom.

"I ate lunch with a lot of different students with different backgrounds and different thoughts and ideas," he says. This prepared him for getting to know people in the community. "In trying cases, you have to be able to relate to people."

Other influences included Professors Bob Lawson and Rutherford Campbell, who taught several of David's classes.

"You could talk to them about anything," David says. "But the big thing at UK Law is that the professors teach a different way of thinking. You learn that there are a lot of different ways to get the same thing done. That's what you have to do in life and in your work. It's amazing how many of those principles apply in working and evaluating cases."

After receiving his law degree in 1976, David worked for the Kentucky Department of Transportation, Bureau of Highways for five years before becoming an Assistant U.S. Attorney for the Eastern District of Kentucky. He retired from the position after 37 years, but not before his daughter, Joslyn, chose UK Law for her legal education.

"My wife Betty and I encouraged Joslyn to attend graduate school, whether it be law school or for her MBA. She was given that choice. I'm very proud of her," he says. "I'm even more proud that she chose UK Law."

That choice ensured that the whole family received terminal degrees from the University of Kentucky. Betty earned her doctorate in education there, as well.

"I'll never forget one of the first few days, walking down the halls of the law school," says Joslyn. "I found my father's picture upstairs in the faculty hallway. It was awesome to see his photo there and to know that my photo would hang on the wall, as well."

Joslyn thrived on the challenges of courses like Conflicts of Law and Federal Courts and picked up analysis, argument and litigation skills. However, the foundational courses are what prepared her not only to pass the Bar exams, but also to succeed at a small law firm. In her first associate position, she did "anything and everything," from wills to divorces to criminal defense.

"If I had not had the excellent preparation from UK Law, I'm not sure I would have had the same results," she says.

She also appreciates the network of lasting friendships and professional acquaintances she was able to build. "If I need anything, I know someone I can call and ask for help. The fact that we went to UK Law at the same time is enough to connect us."

Joslyn also served as an attorney in the Kentucky Justice and Public Safety Office of Legal Services and then as a division director with the Kentucky Department of Juvenile Justice. Three years ago, Joslyn accepted a position at Eastern Kentucky University, where she now serves as senior director of the Center for Student Accessibility. In this role, she acts as the ADA/504 compliance officer and manages a team of eight, including interpreters, accessibility coordinators and transition specialists.

While father and daughter each followed different paths to successful careers, they both received a strong foundation to excel in life and work at UK Law. They also leave a family legacy that they hope inspires others.

"As an African American, the fact that my father and I both graduated from UK Law means a lot to me personally. I also think about what it means for the next generation walking the halls to look at the graduation class photographs and see that they, too, can create a legacy," Joslyn says.

Strong Family Foundation

LISA ENGLISH HINKLE
MEMBER & CHAIR, HEALTHCARE DIVISION
MCBRAYER MCGINNIS LESLIE KIRLKAND
J.D. 1982

CHARLES E. ENGLISH, JR.
PARTNER
ENGLISH, LUCAS, PRIEST & OWSLEY, LLP
J.D. 1983

Lisa English Hinkle and Charles "Buzz" English, Jr. have both followed in their father's footsteps in graduating from UK Law. The siblings shared professors who challenged and prepared them for legal careers by instilling knowledge, leadership, and skills. Today, Lisa concentrates on healthcare law, and Buzz focuses on business litigation.

Through his guidance, Charles E. English, Sr., a founding partner in English, Lucas, Priest & Owsley (ELPO) in Bowling Green and 1960 UK Law graduate, inspired Lisa and Buzz to choose law careers.

"Growing up, my father was committed to the law and to community building. I knew I wanted to be a lawyer," Lisa says.

"We had a lot of options, and my sister and I recognized that UK Law was the best of the options," adds Buzz, a partner at ELPO. "The fact that our father had attended UK Law was great, but it was not the driving force. UK Law was the best law school for us."

Both credit hands-on experience and the mentoring of professors with preparing them to step into and develop successful careers.

When Lisa graduated, she worked in the federal courts system and Federal Trade Commission in Atlanta before moving back to Kentucky to work for McBrayer McGinnis Leslie Kirkland (MMLK). She enjoys the combination of regulatory work, litigation, and transactional work and helping healthcare organizations get established with regulatory approval from the state.

She recognizes UK Law professors for challenging her in a number of ways.

"They provided tools that enable me to look at the larger picture and to address and evaluate problems," she says. " Without the broad legal education that I was fortunate to receive, I would not have had the skills to develop a narrow practice."

The professors taught her "to deal with controversy in a respectful, professional way." They put her on the spot, which demanded that she develop the skills to think on her feet. As Lisa was one of the younger female members of a UK Law class that was diverse in age, she felt intimidated, but supported. "When you have to speak through the intimidation with the nurturing support of professors—that's a huge gift," she says.

She describes UK Law as leadership education. "The law provides the values that our leaders should treasure and implement. UK Law teaches individuals how to think and how to address projects in our world in a manner that is consistent with the law."

Buzz also recognizes the impact the professors had on him.

"They were very supportive—great teachers who took an interest in students," he says. His involvement with the mock trial team, coached by Professor Bill Fortune, gave him the skills to cross examine, open and close, deal with objections, and so on.

"That was such a great experience. Once I completed law school, I felt that I could step right into doing trial work. It was fantastic training and experience," Buzz says, noting that he performed a variety of legal work—including criminal, business, condemnation, and more—before concentrating on business litigation.

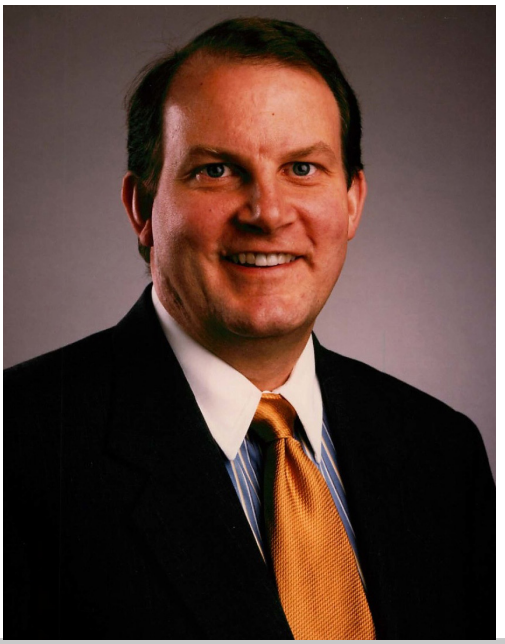
As a stdent leader throughout undergraduate and law school, Buzz continues to be involved in professional and nonprofit organizations. He and Charles Sr. both were the second father-son duo to serve as president of the Kentucky Bar Association board.

"The law school instills the need for leadership as part of the responsibility that goes with the practice of law," he says.

The next generation of the English family has entered the law field. Both of Lisa's daughters are attorneys, including Jane Lyle Ghaelian, a 2012 UK Law grad and CEO of COMtracts. Her other daughter, Emily Hord, received her Master's in Health Administration at UK, attended law school elsewhere, and now serves as the corporate counsel for a large Ohio healthcare provider.

"It is such a wonderful thing to share our experiences at and commitment to UK Law with my father, my brother, and my daughter," says Lisa. "As a family, we recognize the importance of a legal education, whether you are a practicing lawyer or not."

It's All in the Family-in-Law



JAMES G. HARRALSON
RETIRED, ASSOCIATE GENERAL COUNSEL
AT&T
J.D. 1979

STEPHEN M. RUSCHELL
ATTORNEY & PARTNER
STITES & HARBISON, PLLC
J.D. 1974

Jim Harralson and Steve Ruschell have a lot in common. Both have strong family ties with each other as well as the University of Kentucky. Both received their business and economics degrees and law degrees at UK. However, even though they shared similar foundations in business and law, their careers followed different avenues. Harralson thrived in the corporate sector while Ruschell focused on practicing real estate and business law.

Despite their differing careers, their family connections provide a unique commonality.

"I followed a family tradition by attending the University of Kentucky," says Jim, whose parents attended college there during the Great Depression. "The university has provided all of my immediate family, including my brother and sister, with a wonderful education."

Jim's daughter, Caroline Ruschell, attended UK Law and married Steve's son, Joe. Unlike the other lawyers in the family, Caroline has leveraged her legal knowledge in working for nonprofit organizations, such as the Central Park Conservancy. She currently serves as the executive director of the Kentucky Association of Children's Advocacy Centers.

Jim started out practicing law in Lexington and Owensboro before being recruited to work in the telecommuniche firm he worked for served as local counsel for the Bell Telephone System, which led to an opening in Bell's legal department. Jim proceeded to advance through a variety of positions, including legal, public affairs, and regulatory roles. In 2013, after 30 years, he retired from his position as the associate general counsel for AT&T. As he eased into retirement, he taught a semester of Corporation Finance Law as a visiting professor at UK Law.

Jim attributes his success in a variety of corporate roles to the superior faculty at UK Law.

"They had a real commitment to doing a good job in the classroom," he says. "Nothing can replace the foundation I received from the high quality teaching at the law school."

Steve, who has been with Stites & Harbison in Lexington since 1986, agrees that the law professors were important to preparing him for his career specialization.

"There were wonderful professors in the business, tax, and real estate areas as well as criminal law," Steve says.

He notes that friendships were a powerful benefit of attending UK Law during the turbulent times of the early 1970s, which were fueled by the national debate over the Vietnam War.

"It was a confusing time and a struggle for everyone. Through that common struggle, you bond. Many friendships I formed then live through to today," says Steve.

While in law school, a seminar allowed Steve and his peers to represent indigents. An externship with the Commonwealth of Kentucky's attorney provided an opportunity for him to experience criminal cases.

"Under the supervision of the Commonwealth's attorney, I had the opportunity to assist in the defense of those charged with crimes, and some of them were really tough cases. Given the same set of facts at opposite sides of the table, you have to be able to put your client in the best light."

Like many attorneys in the 1970s, Steve was a generalist after he received his law degree. Over time, clients influenced his specializations.

"Some young land developers who were building subdivisions in our community contacted me to represent them, and it grew from there," says Steve. "Business and real estate law suited my personality better than litigation."

He also embraced community involvement, co-founding the Fayette County Bar Foundation and serving on the board of the Kentucky Humanities Council. As a result of his efforts for the Bar Foundation, he received the UK Law Community Service Award in 2016.

As for Steve's further family connections to UK Law, his daughter, Cassidy R. Rosenthal, graduated in 2002 and now serves as a national speaker on construction law and the Lexington executive member of Stites & Harbison.

Through their families and their education, Steve and Jim are forever tied to the university and to UK Law.

Building a Strong Foundation Through Intrigue and Education

As a Bosnian refugee who moved from Germany to the U.S. at age 11 in the late 1990s, Ena Viteskic Demir (UK Law 2012) was always intrigued by law.

When ethnic tensions developed into war in Bosnia in 1992, Ena and her parents fled to safety in Germany. When the war ended in 1995, Germany directed the Bosnian refugees to return to their country, but with their home country in shambles and experiencing ongoing political and economic unrest, the family applied and was accepted into the United States. They settled in Bowling Green, where Ena started sixth grade.

"I was always interested in the rule of law where I lived, and it made me a problem solver from a young age. That added up to a natural career path to be an attorney," Ena says.

During high school, Ena took her interest in a law career further when she met Tom Kerrick (UK Law 1980) of Kerrick Bachert PSC. She served as a runner for his firm for several years.

"I wanted to see what law was all about," Ena says. "I owe a lot of my knowledge and experience to Tom, because he served as my mentor as I navigated through law school and now, private practice. It is crucial to have a mentor if you want to be successful in whatever path you choose."

Following her undergraduate studies, she attended UK Law. She was an editor and writer for the Kentucky Journal of Equine, Agriculture, and Natural Resources Law (KJEANRL) and knew she was building upon the foundation of her life experience.

"UK Law gave me the building blocks and tools to learn about the law, perform research, hone my writing skills, and be an advocate for clients," she says. One of her best-loved professors was Allison Connelly, who taught Litigation Skills—Ena's favorite class.

"Professor Connelly was very passionate," Ena says. "She said, 'If you don't stand for something, you'll fall for anything.' That spoke volumes to me, because after you experience the consequences of war, you realize you have to be your own advocate and your clients' advocate. It was inspirational."

Between KJEANRL and classes, Ena says she received a strong background in research, writing and litigation skills. A semester-long externship with a federal judge further solidified her choice to go into litigation.

"Observing the different types of court hearings made me realize I want to advocate for someone, to provide an argument for them," Ena says. "UK Law helped me become a litigator because we focused on reading, writing, and litigation skills."

After graduating, she worked as a federal clerk for a judge in Kentucky's Western District before becoming the Bowling Green area's first Bosnian-American lawyer in 2014. In addition to general litigation, she works on higher education, transportation, and employment law. She is excited to assist the Bosnian residents who comprise ten percent of Bowling Green's population.

ENA VITESKIC DEMIR
ATTORNEY
KERRICK BACHERT PSC
BOWLING GREEN, KY

"For immigrants like myself, education is what we call The Great Equalizer," she says. "Seeing what my parents went through, starting from scratch in the U.S., I realized the only way I could have opportunities was through education."

Ena is giving back to the community she loves and calls home by being part of the Family Enrichment Center, a nonprofit organization focused on empowering family relationships and preventing child abuse. She also serves on the Board of the Bowling Green/Warren County Bar Association and attended the first Leadership Conference held by the Kentucky Bar Association in April.

College of Law 'Raising the Bar' with $56 Million Building Project

The University of Kentucky College of Law began a new chapter with a ceremonial groundbreaking in September on Mandrell Hall's front lawn, across the street from the Law Building, now undergoing construction. UK President Eli Capilouto and UK Law Dean David A. Brennen were joined by students, faculty, staff, donors and alumni in unveiling details of the $56 million building renovation and expansion project.

The college revealed the architectural plans, as well as launched its new building campaign, "Raising the Bar, Together."

"This project goes beyond a building," Brennen said. "This project is about coming together and investing in UK Law's future, the success of its students, its impact on public understanding of legal issues, and its engagement in law reform. It will certainly help us provide a 21st century legal education."

The expansion and renovation of the College of Law is part of UK's overall capital improvement plan. The project will significantly update and enhance a building originally constructed in 1965, providing students, staff and faculty with a new, state-of-the-art facility for learning, teaching and research. Plans call for an increase in educational space, as well as high-tech enhancements to classrooms and study spaces for law students.

"For more than 100 years, the University of Kentucky College of Law has been a leader in legal education – preparing countless legal practitioners and scholars, private and public sector leaders, and elected officials and policymakers who have shaped our legal, political, and civic landscape," Capilouto said. "The dramatic renewal and expansion of the law building will provide for a new century of legal education, preparing new generations of graduates with the skills to shape our shared future. I want to thank our private partners and Kentucky's elected officials for their support of our shared vision for the new College of Law."

The architects for the building project are Sherman Carter Barnhart of Lexington, and Kohn Pedersen Fox Associates of NYC. The construction manager for the project is Congleton-Hacker Company of Lexington. Construction on the law building began in mid-July. The timetable calls for completion of the project by fall 2019.

"I would like to thank those individuals and law firms who have made generous gifts towards the building initiative, helping us reach this important milestone," said Brennen. "I look forward to our future as we continue raising the bar, together."

To stay informed about the latest news or to watch the first building video update, visit law.uky.edu/raisingthebar.

UK Law Visiting Committee

HIGHLIGHTS

- The footprint of the college will expand by 26 percent to 122,513 square feet.
- A new main entrance with a porch facing Memorial Hall, improving the gateway to the university.
- A modernized 185-seat moot courtroom designed for oral argument training, live appellate court proceedings, large lectures and conferences.
- A new small courtroom for litigation training that can also be used as a classroom.
- 11 new classrooms, including four 25-seat classrooms; four 80-seat classrooms; and three 50-seat classrooms.
- More than 20 collaborative study or breakout rooms.
- An outdoor space that will serve as a gathering place for students, faculty and staff to engage on nice weather days.
- A new third floor with three classrooms convertible into one large multipurpose room, able to accommodate from 150 - 400 people. The space will play host to Continuing Legal Education (CLE) seminars and will also open onto a roof terrace offering spectacular views of Memorial Hall and campus.

Former Attorney General Eric Holder Shares His Experiences with UK Students

BY WHITNEY HARDER

The Honorable Eric Holder, former U.S. Attorney General addresses students, faculty, staff, alumni and community members in Memorial Hall.

Much like University of Kentucky College of Law students, former U.S. Attorney General Eric Holder, the first African American to hold that office, saw law as a way to make an impact.

"Through law and working through the system I thought I could be a force for change," he said.

Holder spoke to a crowd of UK students, faculty, staff, alumni and community members in Memorial Hall. Former Kentucky Gov. Steve Beshear was also in attendance. Holder's visit was part of the College of Law's Roy R. and Virginia F. Ray Lecture Series.

Lawyers, among others, have been at the forefront of movements that made this nation great, he said.

Holder weighed in on current issues and shared his experiences as a law student, a black man in the profession and attorney general. Having served in government for more than 30 years, Holder also shared what shaped his view of government. It was something familiar to all law students: the study of constitutional law.

"It's history through a legal prism," he said. "You can chart the progress of this nation through an understanding of constitutional law — how the system acted appropriately or inappropriately."

Holder served for six years as the 82nd attorney general of the United States under former President Barack Obama. Since leaving the Justice Department, he has rejoined the law firm Covington & Burling LLP as a partner advising clients on complex investigations and litigation matters. He is also spearheading an initiative focused on gerrymandering and redistricting.

During the talk, moderator Melynda Price posed a question from UK Law students about this work going forward and Holder's ultimate goal.

"To make sure everybody who wants to cast a ballot has the opportunity to do so," he responded. To "let the people chart their own course."

Earlier in the day, Holder also met with UK Law's Black Law Students Association and members of the local John Rowe Chapter of the National Bar Association at a luncheon celebrating Black History Month. In addition to recognizing Holder's achievements, the groups also recognized trailblazers in the local legal community.

"We were honored to have Mr. Holder in the heart of the Bluegrass and appreciated him taking the time out of his busy schedule to meet our students and share his experiences," said UK Law Dean David A. Brennen.

Building on Theodore Parker's words that were often echoed by Martin Luther King Jr. — "The arc of the moral universe is long, but it bends towards justice" — Holder left the audience with this final thought:

"That arc bends toward justice, but only when people like you put their hands on that arc and pull it."

SAVE THE DATES

Friday, October 12 & 13, 2018
CLASS REUNIONS
Lexington, Kentucky

Saturday, October 13, 2018
KEENELAND BRUNCH TAILGATE
Lexington, Kentucky

Saturday, October 20, 2018
HOMECOMING TENT PARTY
Lexington, Kentucky

Tuesday, November 6, 2018
CHAMPIONS CLASSIC ALUMNI RECEPTION
Indianapolis, Indiana

Justice Gorsuch Offers Advice to UK Law Students on Campus for the Heyburn Initiative

BY WHITNEY HARDER

The Hon. Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States, spent Thursday evening on the University of Kentucky campus. He spoke to University of Kentucky College of Law students as well as judges, lawyers and clerks from across Kentucky.

During his talk, he offered a few pointers to UK Law students in the crowd.

"Give back a little bit. If you've made it to an institution like this, you've been blessed and have a lot to offer your fellow citizens," he said.

Justice Gorsuch was here as part of the John G. Heyburn II Initiative for Excellence in the Federal Judiciary.

"The Heyburn Initiative enhances the academic experience for our students by providing them with the opportunity to listen to, and engage with, some of our nation's top leaders in law. The College of Law is one of very few law schools to offer this type of access to speakers of the highest caliber on an annual basis," said David A. Brennen, dean at UK Law. "This initiative continues to help UK Law carry on its tradition of excellence and we were honored to host Justice Gorsuch for his first public lecture for a law school since being appointed to the Supreme Court."

After being introduced by U.S. Senate Majority Leader Mitch McConnell, the justice spoke to a packed crowd in the Gatton College of Business and Economics' Kincaid Auditorium. UK Law Professor Paul Salamanca served as moderator and posed several questions to the justice on different topics, including his relationships with other justices and advice for law students.

"Practice law so that you can look back after a 30-year career and be proud," he told UK Law students and practitioners in the audience.

Justice Gorsuch was born in Denver, Colorado, Aug. 29, 1967. He and his wife Louise have two daughters. He received a B.A. from Columbia University, a J.D. from Harvard Law School, and a D.Phil. from Oxford University. He served as a law clerk to Judge David B. Sentelle of the United States Court of Appeals for the District of Columbia Circuit, and as a law clerk to Justice Byron White and Justice Anthony M. Kennedy of the Supreme Court of the United States. From 1995-2005, he was in private practice, and from 2005-2006 he was Principal Deputy Associate Attorney General at the U.S. Department of Justice.

He was appointed to the United States Court of Appeals for the Tenth Circuit in 2006. He served on the Standing Committee on Rules for Practice and Procedure of the U.S. Judicial Conference, and as chairman of the Advisory Committee on Rules of Appellate Procedure. He taught at the University of Colorado Law School.

President Donald J. Trump nominated him as an Associate Justice of the Supreme Court, and he took his seat on April 10, 2017.

In addition to his talk Thursday evening, the justice also participated in a forum Friday morning with approximately 130 law students, moderated by James C. Duff, director of the Administrative Office of the U.S. Courts and former UK basketball player.

The Heyburn Initiative, a national, nonpartisan federal judicial initiative, was announced in 2016 by President Eli Capilouto, U.S. Senate Majority Leader Mitch McConnell and Dr. Martha K. Heyburn, in honor of the trailblazing U.S. Senior District Judge John G. Heyburn II. In partnership with the UK College of Law and UK Libraries, the initiative established a national lecture series on relevant judicial topics and is launching an archives and oral history program for Kentucky's federal judges.

For more information about the John G. Heyburn II Initiative for Excellence in the Federal Judiciary, visit www.heyburninitiative.org.

UK LAW HOSTS 8TH ANNUAL GOLF TOURNAMENT

UK Law hosted the eighth Annual Golf Tournament on May 21st at the world-class Keene Trace Golf Club, where UK Law alumni, faculty, students and friends all gathered to enjoy the day while supporting education and practical skills opportunities for UK Law students.

This year's event raised just under $10,000. Since the tournament's inception, UK Law has raised nearly $84,500 to support law student scholarships and provide stipends for law students to work in public interest sector positions.

Second-year law student Aaron Meek is serving as a clerk in the appeals branch of the Kentucky Department of Advocacy in the Frankfort office. He is gaining hands-on experience assisting clients and strives to effectively advocate on clients' behalf to ensure the criminal justice system has treated them fairly. "It's meaningful work," said Meek. This opportunity "lets you get first-hand experience and responsibility." Meek states that this experience in research, writing and advocacy is helping him become better prepared to participate in 2L classes this fall. "I am genuinely grateful that the law school and university are helping me gain this experience," said Meek.

Teams received awards for first, second and third places and enjoyed fellowship and a casual dinner, provided by Azur Restaurant, in the club house following their round of golf. The team of Bryan Sterne, Jeff Hoogerheide, Gypsie Hutchinson and Brock Justice earned first place honors. Second place went to Larry Brown ('81), Gary Brown, Chase Brown ('15) and Andrew Brown. Following by just one stroke, the team of Dean David A. Brennen, Matt Iuliano and Trey Wilkerson (UK Law student) finished in third place. Closest to the pin went to Tom Waid at 8 feet, one inch (hole #2) and Longest Drive went to Gypsie Hutchinson (hole #8).

Players also supported the cause by bidding on silent auction items, including Diamond Seat Cincinnati Reds tickets, an overnight stay and breakfast for two at Hilton Lexington Downtown, club seats at a Lexington Legends game, a round of golf for four at Keene Trace Golf Club and much more.

The College of Law is grateful for the individuals and teams who played in the tournament. The College also extends a special thanks to the sponsors who made monetary contributions and in-kind donations: Kentucky Court Reporters; Sherman Carter Barnhart Architects; Southland Printing; All Star Purchasing; Casemaker, Landrum & Shouse, LLP; UK Alumni Association; UK Federal Credit Union; UK Law Alumni Association; Wyatt, Tarrant & Combs, LLP; Azur Restaurant & Patio; Kentucky Eagle; Ale-8-One; Atea Beauty; Bluegrass Hospitality Group; Creaux; Ethereal Brewing; Graeter's Ice Cream; Hilary J. Boone Center; Hilton Lexington Downtown; HopCat; Joe Bologna's Restaurant; Keeneland Association, Inc.; Keene Trace Golf Club; Kentucky Horse Park; Lexington Healing Arts Academy; Lexington Legends Baseball; Louisville Bats; Sala Studio; Sky Zone Trampoline Park; Talon Winery; The Club at UK's Spindletop Hall; William & Amy Reik; and Zone Fitness for You.

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UK Law Alumni Association
Wyatt, Tarrant & Combs, LLP

FOOD SPONSOR
Azur Restaurant & Patio

BEER SPONSOR
Kentucky Eagle

2nd

1st

3rd

CLASS NOTES

2010s

Alison Zeitlin (2017) joined the Business & Finance Service Group of Stites & Harbison, PLLC.

Joseph Brown (2016) joined English, Lucas, Priest and Owsley, LLP, in Bowling Green, as an associate. He is practicing in employment and education law.

Megan George (2013) has joined Stites & Harbison's Construction Service Group in Lexington. She counsels clients on construction matters and routinely drafts, negotiates and reviews contracts for clients. She earned her BA, cum laude, in Political Science from UK in 2009.

Sarah T. Laren (2013) joined the Lexington office of Littler as an associate.

Anthony Pernice (2013) joined Reminger Co., LPA in Lexington. He represents corporations and individuals in litigation matters including premises liability, construction negligence and commercial trucking.

Luke A. Swain (2013) joined Dinsmore & Shohl LLP's Louisville office as an associate in the firm's Corporate Department.

Rebecca Wichard (2013), Stites & Harbison, PLLC attorney, was selected for the inaugural Elevate Kentucky Class of 2017.

Laura E. Salzman (2012) has joined Roetzel & Andress LPA's Transportation and Logistics team as an associate in the Cincinnati, Ohio office.

Jason Woodall (2012) joined Middleton Reutlinger as an associate in the Business Law Group.

Peter Maskow (2011) joined McGlinchey Stafford as part of the firm's Commercial Litigation practice group in Florida.

Alexander G. Staffieri (2011) was promoted to Member of Stoll Keenon Ogden PLLC.

Stephanie Wurdock (2011), of Sturgill, Turner, Barker & Moloney, PLLC, was appointed by the President of the Defense Research Institute, John E. Cuttino, to serve as the 2017 Co-Vice-Chair of the Public Service Subcommittee for the DRI Philanthropic Committee. She was also appointed to serve as a member of the Advisory Committee for The Plantory's Get On Board program.

Daniel Mudd (2010) was appointed a Member of Frost Brown Todd's Tax and Benefits Practice Group.

Langdon Ryan Worley (2010) was selected for the 2017 Get On Board class.

2000s

Christopher G. Colson (2009), Fowler Bell PLLC attorney, became a Member of the firm.

Jennifer M. Jabrowski (2009) achieved shareholder status with Reminger Attorneys at Law in the Fort Mitchell and Lexington offices.

Jacob Michul (2009) joined Bingham Greenebaum Doll LLP as an associate in the firm's Lexington office.

Tiffany J. Williams (2009) was named the Assistant Dean for Admissions and Enrollment Management of the Antonin Scalia Law School at George Mason University.

Jamie Wilhite Dittert (2008) was appointed to serve as a member of the Advisory Committee for The Plantory's Get On Board program.

Matt Parsons (2008), of Stoll Keenon Ogden PLLC, received the Fayette County Bar Association's 2017 Outstanding Young Lawyer Award.

Carl N. Frazier (2007) was one of three young lawyers honored by the American Bar Association Young Lawyers Division. He was a finalist for the 2016 William Reece Jr. National Outstanding Young Lawyer Award.

Kent Barnett (2005) was awarded the J. Alton Hosch Professorship of Law Chair at the University of Georgia. He is the second associate professor to receive an endowed chair in UGA's 230-year history.

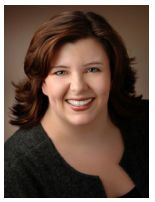
Mindy Sunderland (2003) was named managing director of Morgan & Pottinger's Louisville office. Sunderland is the first woman to serve as managing director since the firm was founded in Louisville in 1974.

Shawn D. Chapman (2002) received a 2017 Kentucky History Publication Award from the Kentucky Historical Society for his article, *Removing Recalcitrant County Clerks in Kentucky*. This article was published in Volume 105, Issue 2 of the *Kentucky Law Journal*.

Mandy Wilson Decker (2002) was named to Managing Intellectual Property's 2018 "Top 250 Women in IP" List. She is a member with Stites & Harbison PLLC in Louisville.

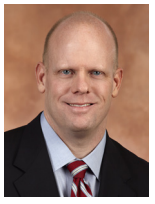
P. Branden Gross (2002) was named managing partner of Bingham Greenebaum Doll LLP's Lexington office.

Benjamin Dusing (2001), partner with Faruki Ireland Cox Rhinehart & Dusing PLL, named as one of the "10 Best Attorneys" in Ohio by the American Institute of Criminal Law Attorneys.



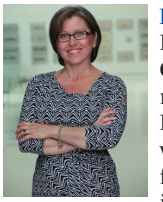
Gwen R. Pinson (2000) was named the Kentucky Public Service Commission's executive director.

1990s



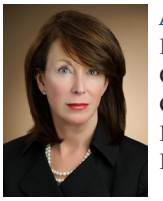
Marshall Hixson (1997) was elected President of Fayette County Bar Association and will serve a one-year term. He earned his BS in Accounting and Finance from UK in 1994.

Sadiqa Reynolds (1997) was selected Person of the Year by Louisville Magazine. She was presented with a Woman of Power Award at the National Urban League's annual meeting. Reynolds is the first female president and CEO of The Louisville Urban League.



Karla McGrath (1996), Executive Director of the Queen's Law Clinics in Ontario, received the Ban Righ Foundation Mentorship Award, which recognizes a Queen's faculty member who has inspired and supported women in achieving their goals.

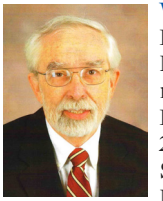
Cathy Altman (1995) was elected to the Governing Committee of the ABA Forum on Construction Law.



Anne Gorham (1991), Executive Vice President and General Counsel at Gray Construction, was named a Fellow of the Construction Lawyers Society of America.

Brian Cromer (1990), Stites & Harbison, PLLC attorney, was re-elected to the Greater Louisville, Inc. Board of Directors. He was also confirmed to serve on University of Louisville's Board of Trustees.

1980s

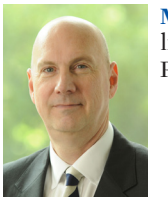


William Green (1984), Professor of Government at Morehead State University, received the Distinguished Political Scientist Award at the 2018 Kentucky Political Science Association Annual Meeting. His most recent book, Contraceptive Risk: The FDA, Depo-Provera, and the Politics of Experimental Medicine, was published by New York University Press in 2017.

Justice **Laurance B. VanMeter** (1983) was elected to the Kentucky Supreme Court in November 2016. Upon taking office, he became the third justice to have served at all four levels of Kentucky's unified court system: District Court, Circuit Court, Court of Appeals, and Supreme Court, and the first UK Law alumnus to have done so.

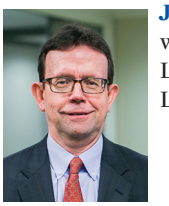
Bill Geisen (1982), Stites & Harbison, PLLC attorney, was elected to the Board of Construction Financial Management Association - Greater Cincinnati Chapter.

Kerry B. Harvey (1982), former United States Attorney for the Eastern District of Kentucky, joined Dickinson Wright PLLC's Lexington office as a Member.



Mack J. Morgan III (1980) was listed in the Chambers & Partners 2018 USA Directory.

1970s



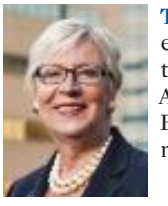
James W. Gardner (1978) was selected by Commerce Lexington for its Leadership Lexington Class of 2017.

Pierce W. Hamblin (1977) was awarded the Kentucky Bar Association's Distinguished Lawyer Award for 2017.

Stephen Bright (1974) was honored at the Southern Center for Human Rights' annual Georgia reception, Justice Taking Root, for his retirement from the Southern Center for Human Rights.

Guy R. Colson (1974) is the 2018 recipient of the Fayette County Bar Association Henry T. Duncan Award. He is a member of Fowler Bell PLLC.

Mark Bryant (1973) was elected Vice Chair of the University of Kentucky Board of Trustees. Bryant has been a member of the Board of Trustees since 2012. He is founder and managing partner of the Bryant Law Center in Paducah, Kentucky.



Taft A. McKinstry (1972) was elected 2018-2020 Secretary of the Board of Directors of the American College of Bankruptcy. She is a managing member of Fowler Bell PLLC.

UK Law Student, Assistant Dean Receive Torch Bearer, Torch of Excellence Awards

L to R: Christopher Lewis and Daniel P. Murphy, Jr.

Christopher Lewis, third-year law student at the University of Kentucky College of Law, and Daniel P. Murphy, Jr. (1998), Assistant Dean of Community Engagement & Diversity, were honored with the Torch Bearer and Torch of Excellence Awards during the 27th Annual Homecoming Awards Ceremony at the King Alumni House.

The event, hosted annually by the Lyman T. Johnson African American Alumni Constituent Group since 1999, recognizes deserving African American alumni, faculty, staff and students who exemplify the passion and courage exhibited by Lyman T. Johnson as he led racial desegregation efforts at UK more than 60 years ago.

Past UK Law honorees include Judge Gary Payne (1999), Jesse Crenshaw (2004), Ollen B. Hinnant (2010), Angela Edwards (2013), John McNeill (2014), Ismaila Ceesay (2016) and Melynda Price (2016).

Lewis received the Torch Bearer Award for 2017. He serves as Vice President of the UK Law Black Law Students Association (BLSA). He was also selected to the Trial Advocacy Board, is a member of the UK Law Latino Law Society and is an Executive Board Member of the UK Law Wellness Initiative. In addition, he is involved with the StreetLaw program, one of UK Law's key pro bono initiatives. Through StreetLaw, UK Law students utilize their legal education to teach real-life lessons in law and government to high school students, empowering them to go forward and make positive changes in the community, while also inspiring them to consider a future legal career. Bryan Station High School and Martin Luther King, Jr. Academy of Excellence serve as host schools for the program.

Lewis has served as a law clerk at Legal Aid of the Bluegrass, assisting those who qualify for legal services for free or reduced rates based on income, and as a legal intern at the Maxwell Street Legal Clinic. He also received a CALI (The Center for Computer-Assisted Legal Instruction) Award in his first-year Torts class. The award is given to the student with the highest grade in the class. Lewis will complete his Juris Doctor in May 2018.

Assistant Dean Murphy received the Torch of Excellence Award for 2017. He is a 1998 graduate of UK Law and obtained his bachelor's degree in political science from UK in 1993, making him the first college graduate in his family. Prior to joining the staff at UK Law, he was Counsel at the law firm of Wyatt, Tarrant & Combs, LLP in its Lexington office, and was formerly a member in the law firm of McMurry & Livingston, PLLC, in Paducah, where he focused primarily in the area of real estate law.

Assistant Dean Murphy oversees day-to-day nonacademic operations at UK Law, including the supervision of the following departments: Marketing & Communications, Information Technology, and Continuing Legal Education. He also serves as the college's diversity officer, oversees the voluntary student pro bono program, and works to engage the college with the university, the community-at-large, the Commonwealth and the nation. He has orchestrated visits by five United States Supreme Court Justices and countless judicial speakers. He has also managed many law journal symposia. In addition, Assistant Dean Murphy oversees the college's $56 million building renovation and expansion project.

Assistant Dean Murphy also plays an active role in the community. He is a past chair of the Commerce Lexington Board of Directors and currently serves on the KY YMCA Youth Association Board of Directors and Junior Achievement of the Bluegrass Board of Directors. Furthermore, Dean Murphy volunteers with several local high schools.

Thomas P. Lewis | 1930 – 2018

Thomas P. Lewis, a 1954 graduate of the University of Kentucky College of Law, passed away at the age of 87 on March 8, 2018, leaving a lasting imprint of the foundation that is UK Law. He was intricately woven into the college as a student, professor and dean of the college. His impact on the College of Law reached far and wide over the course of many years.

Born in Ashland, Kentucky, Lewis attended American University in Washington, D.C. and returned to Kentucky to attend UK College of Law. When awarded his J.D. degree, he graduated Order of the Coif, and was recognized for decades as achieving the highest GPA in the history of the College. He served as the Editor-in-Chief for Volume 42 of the Kentucky Law Journal.

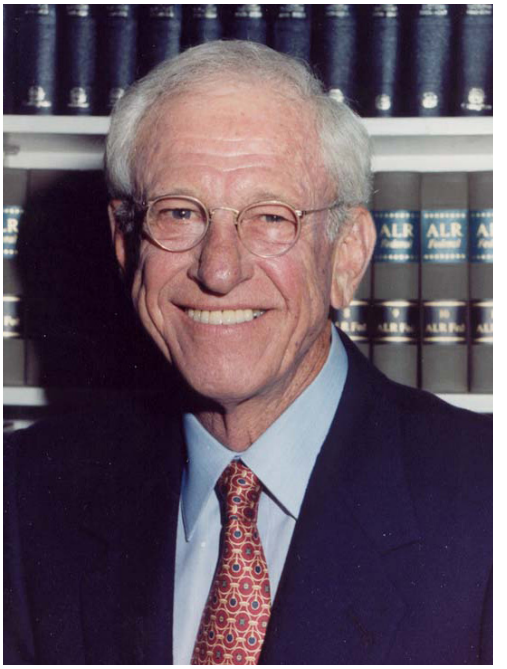
Upon graduation, he joined the United States Navy, where he served as Trial and Defense Counsel for the Navy General Court-Martial (precursor to the JAG Corps) in Washington, D.C. As a line officer, he later served on a Flagship in the Atlantic and Mediterranean.

In 1957, he returned to the UK College of Law as a faculty member. During this time, he was invited to become a Master of Laws candidate at Harvard and earned his S.J. D. degree, the highest degree in legal education in 1964. He remained on faculty until 1965, when he joined the faculty of the University of Minnesota Law School, where he taught until 1972. He then joined the faculty of the Boston University School of Law, where he served until 1976.

"He was an outstanding professor during his time at the school," said his student and later colleague Professor Robert G. Lawson. "He was highly respected and liked by his students (including me), mostly because he was such an outstanding classroom teacher." Lawson said that he adopted some of the teaching methods of Lewis to implement in his own law teachings.

Lewis returned to the University of Kentucky College of Law as Dean of the College in 1976. While serving as the College's eighth dean, he created a robust and dedicated fundraising program and established the Lafferty Society. Lewis later wrote, "My thought was that the College had served the Commonwealth exceedingly well, but as the legal world continued to expand in the breadth and complexity of its scope, the College needed to expand its horizons and expectations a bit." His vision and implementation of fundraising efforts have been transformative for the College.

"He was an exceptionally good dean, and provided great leadership for both faculty and students," said Lawson. Professor Lawson had the unique and rewarding opportunity to learn from Professor Lewis while he was a student at UK Law, and to later work as a faculty member while



Lewis served as the Dean of the College. "He was an excellent dean in every respect; was most engaging with students, faculty and alumni; and was regarded by all as a man of great integrity," said Lawson.

Lewis served as the Dean until 1982 and continued on the faculty until his retirement in 1998. He specialized in Labor Law, among other areas, and arbitrated many labor disputes, becoming a member of the National Academy of Arbitrators in 1972. Upon his retirement, he was presented the Award of Distinction by the Federal Mediation and Conciliation Service.

The Thomas P. Lewis Professorship was created in 1999 to honor his many years of distinguished service. This professorship supports the work of outstanding faculty at UK Law.

While Lewis was very successful in his career, Lawson said, "The thing about Tom that I admired the most had nothing to do with his work for the college." Soon after he completed his deanship, Lewis lost his first wife. and he raised his young son on his own. Lawson said that Lewis provided "the best care and guidance that any parent could ever provide."

The positive impact that Lewis has had on the University of Kentucky College of Law is immeasurable. His great work has contributed to the strong foundation that has been provided for students, faculty and staff. While his professional efforts are to be commended, his strength of character and integrity are a true example for all who follow him at UK Law.

in Memoriam

Mr. James E. Banahan, 1948

Mr. Bret N. Bearup, 1989

Mr. James B. Brien, Jr., 1969

Mr. Beauchamp E. Brogan, 1957

Col. Charles R. Burton, Ret., 1950

Mr. J. Peter Cassidy, Jr., 1967

Mr. William T. Cheshire, 1949

Mr. Karl N. Crandall, 1967

Mr. Lloyd R. Cress, 1962

Ms. Kathleen C. Deskins, 1997

Mr. Jack F. Durie, Jr., 1969

Ms. Kathlyn W. R. Friend, 1969

Mr. Robert T. Gallagher, 1989

Mr. Ted L. Igleheart, 1957

William C. Jacobs, 1962

Professor Thomas L. Jones, 1961

Mr. David Justice, 1982

Mr. Charles R. Keeton, 1975

Mr. Paul M. Lewis, 1949

Professor Thomas P. Lewis, 1954

The Honorable Calvin N. Manis, 1957

Mr. Russell B. Milliken, 1960

The Honorable John P. Moore, 1970

Mr. Roger M. Oliver, 1966

Mr. Donald T. Prather, 1981

Mr. Henry C. Prewitt, 1956

Dr. George D. Schrader, 1955

Mr. Robert A. Thomas, 1985

Mr. William F. Threlkeld, 1949

Mr. David G. Webb, 1969

Mr. David S. Weinstein, 1977

Mrs. Lisa Underwood Young, 1984

2018 ALUMNI HALL OF FAME

Barbara Edelman is a partner in the Lexington office of Dinsmore & Shohl. She serves on Dinsmore's Board of Directors, as well as the firm's Executive Committee, and heads the Litigation Department in the Lexington office. Barbara is a 1977 graduate of the University of Kentucky College of Law and in 1974 earned her B.B.A. degree with honors from UK.

She began her legal career in the Special Prosecutions Division of the Kentucky Attorney General's Office. She also served as Director of Litigation for the Lexington-Fayette Urban County Government. Barbara was appointed to serve as an Assistant U.S. Attorney for the Eastern District of Kentucky, where she prosecuted federal court cases and handled many high-profile cases involving white collar crime, murder for hire and public corruption.

In 1987, she entered private practice and established herself as one of the premier commercial litigators in Kentucky. Barbara is listed in Best Lawyers in Appellate Law, Bet-the-Company, and Commercial Litigation. She is listed in Kentucky's Super Lawyers, Kentucky's Super Lawyers Top 25 Women, Kentucky's Super Lawyers Top 50 Lawyers in the State, Benchmark Litigation's "Local Litigation Star," as well as the Top 250 Women in Litigation in the Nation.

She is the 2012 recipient of the Fayette County Bar Association's highest honor, the Henry T. Duncan Award. She is a past President of the Fayette County Women Lawyers Association as well as the University of Kentucky College of Law Alumni Association.

She has tried more than 50 cases in state and federal courts and has argued over 35 cases to the Kentucky Court of Appeals, Kentucky Supreme Court, and the U.S. Court of Appeals for the Sixth Circuit.

Barbara and her husband, Ray Edelman, a 1977 graduate of UK Law, have three children, Kevin, Mitchell and Laura, a 2016 graduate.

Hon. Thomas B. Russell, Senior Judge, United States District Court, Western District of Kentucky, began his career in private practice at Whitlow, Roberts, Houston & Russell. After 24 years in private practice, Judge Russell was appointed to his current position. He served as Chief Judge from 2008-2011.

His judicial appointments include the Advisory Committee on Civil Rules for the U.S. Judicial Conference, where he served as co-chair of the Committee to Restyle the Federal Rules of Civil Procedure (2003-2007). He served on the Committee on the Administration of the Magistrate Judges System – Judicial Conference of the U.S. from 2008-2014, and currently serves as the Sixth Circuit District Judges Representative to the Judicial Conference of the United States, where he served as president from 2015-2017. He was appointed by the Chief Justice of the Supreme Court to the Foreign Intelligence Surveillance Court in 2014 for a 7-year term, as well as to the U.S. Alien Terrorist Removal Court in 2015 for a 5-year term.

Judge Russell's honors include Judge of the Year (2005) in the Louisville Bar Association, Distinguished Judge of the Year (2017) in the Kentucky Bar Association, and Distinguished Jurist (2011) in the University of Kentucky Law Alumni Association.

Judge Russell is married to Phyllis Baird Russell, and has two sons, Thomas Baird Russell, JD and John Banister Russell, MBA, CFA.

Sheryl G. Snyder graduated first in the class of 1971, and was Editor-in-Chief, Vol. 59, Kentucky Law Journal. He clerked for the Chief Judge of the Eighth Circuit Court of Appeals.

Snyder joined Wyatt, Grafton & Sloss and served on the Executive Committee of Wyatt, Tarrant & Combs LLP. He was Executive Vice President and General Counsel of ICH Corporation. He joined Brown Todd & Heyburn PLLC, and served on the Executive Committee of Frost Brown Todd LLC, where he continues to practice law.

Snyder is a Fellow of the American Academy of Appellate Lawyers and is "the state's premier appellate lawyer" according to Chambers USA.® He is co-author of *Appelate Practice*, Vol. 19, Ky. Practice (Thomson/West).

Snyder has represented several Governors of Kentucky, of both political parties, in significant litigation. He is co-author of *The Separation of Governmental Powers under the Constitution of Kentucky: A Legal and Historical Analysis of LRC v. Brown*, 73 Ky. L.J. 165 (1984).

Snyder served as Treasurer of the committee that secured passage of the Gubernatorial Succession Amendment. He was a member of the six-person Strategy Committee that secured passage of the Louisville-Jefferson County merger. He received the LBA's Distinguished Service Award in 1982 as a founder of the Judicial Evaluation program.

Snyder is a Past President of both the Kentucky and Louisville Bar Associations. He has served on the boards of the Louisville Zoo Foundation, Actors Theatre, the Louisville Orchestra, Leadership Kentucky and Metro United Way.

Snyder is married to Jessica S. Loving.

2018 ALUMNI AWARDS

PROFESSIONAL ACHIEVEMENT

- *Lou Anna Red Corn, 1984*

This award is primarily designed to recognize a particularly noteworthy accomplishment in a given year, but may be given to one who has achieved and sustained an extraordinary level of excellence in a particular area of the law or one's chosen field.

COMMUNITY SERVICE

- *Hugh B. Hall, Jr., 1967*

This award is given to the graduate who has provided outstanding leadership in his or her local community, state, or nation, to aid and benefit causes not necessarily related to the legal profession.

YOUNG PROFESSIONAL

- *J. Tanner Watkins, 2008*

This award is designed for individuals who graduated within the past 10 years and have distinguished themselves professionally in the community, or in some other fashion.

DISTINGUISHED JURIST

- *Judge Glenn Earl Acree, 1985*

This award is given to the individual who has distinguished himself or herself through a contribution of outstanding service to the legal profession.

LEGACY

- *Norma Boster Adams, 1953*

This award may be bestowed upon an individual who graduated 50 or more years ago and has demonstrated exceptional leadership in his or her profession and/or community and has made a positive impact on the well-being of the UK College of Law, the Commonwealth of Kentucky, or elsewhere in the nation.

2018 DEAN'S CIRCLE FIRMS

Each year the UK Law Alumni Association recognizes those firms whose College of Law graduates have generously given back to their alma mater.

PLATINUM

English, Lucas, Priest & Owsley, LLP
Bowling Green

Fowler Bell, PLLC
Lexington

GOLD

Bradley Arant Boult Cummings LLP
Nashville

Henry Watz Raine & Marino, PLLC
Lexington

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Dynamic and Personalized Pricing:

Challenges and Opportunities

CLOSING THOUGHTS BY RAMSI WOODCOCK

The vast amounts of data about consumers made available to firms by the Internet have enabled firms to price their products in new ways that threaten consumer welfare and pose a profound challenge for consumer law. To address these new pricing practices, sector regulators must spring into action, and a long-standing tenet of antitrust law may need to be discarded.

The first wave of data-driven changes to pricing practices came in the form of dynamic pricing, the varying of price by firms over short time periods in response to new information about demand. Pioneered first by the airlines, which started varying ticket prices based on changes in demand as far back as the 1980s, dynamic pricing later spread to hotels and other corners of the hospitality industry, and is now a fixture in virtually every part of the economy, from Amazon, which varies the prices it charges for hundreds of thousands of items hundreds of times per day, to Disney World, which recently started raising ticket prices on days of peak demand, to state and local governments, which are considering charging "congestion prices" for access to commuter highways or downtown streets that would vary based on demand.

Firms are also hard at work today creating the algorithms needed to roll out a second new pricing practice: personalized pricing. When that roll-out takes place, firms will use data about each individual consumer to charge that consumer an individualized price designed to be the highest price the consumer would be willing to pay for the product without abandoning the product for something else. While personalized pricing is still on the drawing boards in most industries, some companies may have already implemented it. Some argue that Uber, for example, charges different users different prices on identical routes at identical times, which suggests that the company is personalizing prices.

Both dynamic and personalized pricing are bad for consumers, because the practices increase profits at consumer expense, while conferring only questionable efficiency gains on the economy.

Dynamic pricing, for example, can increase efficiency by ensuring that prices fall when a hotel has overestimated demand and set prices too high, filling rooms that would have remained empty if prices had not been adjusted. But dynamic pricing also means that a hotel can raise prices and intentionally fail to fill some rooms when demand turns out to be higher than expected and the hotel can more than recoup any losses on the unfilled rooms through the higher prices charged for those rooms that the hotel does fill. The net effect on efficiency is not clear, but the growth in profits, and therefore reduction in the welfare of consumers, who pay for those profits, is clear.

Similarly, personalized pricing can increase efficiency by allowing firms to reduce prices to those who might otherwise not be able to afford a product. But because that reduced price is designed to be the highest price the consumer is willing to pay, the consumer's net gain from being able to buy will be small. Meanwhile, those consumers who would have been able to afford the product without personalized pricing will find themselves paying much more for the product.

Can the law protect consumers from dynamic and personalized pricing? The answer is that at present the law can help only in regulated industries. The organic statutes of many regulators at the state and federal level empower those regulators to administer industry prices with a view to protecting consumers, or, at any rate, the public interest. Regulators can and should use these powers to insist that regulated firms not engage in dynamic or personalized pricing.

A number of state insurance regulators have already acted, prohibiting "price optimization," the euphemism employed by insurance companies for personalization of insurance premiums. A common practice prohibited by these regulators was the charging of lower auto insurance premiums to drivers with a history of changing insurance carriers, and higher premiums to the "sleepers" who simply renew their policy with the same carrier year after year. The insurance companies noticed that the "sleepers" were less sensitive to higher prices and took advantage of that fact to charge them more.

Antitrust law has long been the champion of the consumer interest outside of regulated industries, and in theory antitrust ought to be able to protect consumers from dynamic and personalized pricing. Antitrust law protects consumers by promoting competition between firms, which prevents any one firm from raising prices and extracting excessive profits from consumers.

More competition would prevent firms from engaging in dynamic pricing, because no firm can increase prices dynamically to profit-maximizing levels when competitors would charge lower prices and take the firm's business away. Similarly, no firm can charge personalized prices when competitors would immediately undercut the higher prices charged to some customers. It follows that promoting competition in markets in which firms are pricing dynamically

or personalizing prices should reduce the ability of firms to engage in those practices.

But as currently interpreted, antitrust law cannot be used to target dynamic or personalized pricing because the antitrust laws specifically prohibit only anticompetitive behavior, not the mere charging of profit-maximizing prices. Unless it can be shown that a particular firm is using anticompetitive conduct, such as express coordination with other firms to undermine competition in support of a dynamic or personalized pricing scheme, there is no violation of the antitrust laws, and therefore no basis for antitrust enforcers to intervene to promote competition in the industry.

To carry out antitrust law's mission to protect consumer welfare, Congress and the courts must adapt antitrust law to address dynamic and personalized pricing. One approach would be to interpret antitrust's prohibition on anticompetitive conduct broadly to sweep in conduct necessary to support dynamic or personalized pricing. For example, a firm can engage in dynamic or personalized pricing only if customers to whom the firm charges low prices cannot resell the product to customers to whom the firm wishes to charge high prices. It is for this reason that supermarkets, for example, place quantity limits on coupon items, or airlines allow only the named ticketholder to fly. (Supermarkets do this today in aid of group-based pricing, which is a somewhat less objectionable cousin of personalized pricing, and airlines do it in aid of dynamic pricing.) Such resale restrictions in effect prevent low-price buyers from competing against the firm in selling to high-price buyers. By treating these restrictions as anticompetitive conduct, antitrust law can undermine the power of firms to personalize prices.

Another approach would be to reverse antitrust's longstanding aversion to treating excessive pricing, in the absence of anticompetitive conduct, as a standalone violation of the law. The antitrust policy establishment once strongly supported such a reversal. In the mid-20th-century, no less than two different deans of the University of Chicago Law School and the head of the Antitrust Division of the U.S. Department of Justice, who was also an influential antitrust scholar at Harvard Law School, all advocated a "no-fault monopolization" standard for antitrust. But legislation introduced in the Senate in the 1970s that would have created such a rule never reached a vote, and the issue disappeared from policy debates shortly thereafter. U.S. antitrust law would be in good company were it to finally incorporate such a rule, as a prohibition on excessive pricing has been part of European antitrust law from its inception in the Treaty of Rome in 1957.

If steps are not taken to address the rise of dynamic and personalized pricing, expect to see growing consumer dissatisfaction in coming years as prices rise. Indeed, dynamic and personalized pricing may explain one of the chief conundrums of economics today: the runaway growth of corporate profits in the absence of a corresponding increase in business investment. When you can extract more value from consumers just by adopting new pricing practices, the incentive to enlarge your business by investing in better products declines. That may just be what economists are seeing in the numbers today, and that makes the need to rethink consumer law for the information age all the more pressing.

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